

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52967 of 2024

Arising Out of PS. Case No.-742 Year-2022 Thana- GAURICHAK District- Patna

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Amitesh Kumar, son of late Ashok Kumar Singh @ Ashok Kumar, resident of
Village- Lakhna, Jaitiya, P.S- Gaurichak, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Kinju Devi, wife of Sunil Singh, resident of Village-Lakhna, PO- Lakhna
P.S. - Gaurichak Dist-Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Nityanand Kumar, Advocate
For the State	:	Mr. Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

4 08-04-2025 In pursuance to the direction of this Court, the

petitioner has entered appearance. However, neither

informant/O.P. No. 2 nor her counsel has appeared before

this Court.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 406,
420 of the Indian Penal Code.

The prosecution case as per F.I.R is that on 30-01-
2016, one Pratima Devi and her son Amitesh Kumar
(petitioner) executed a *baibeyana* in favour of the informant
in respect of a piece of land situated at Mauza Jaitia
measuring an area of 2 bighas and 3 kathas. The informant

gave Rs. 5 lakhs on 20.01.2026, Rs. 1 lakh on 01-02-2016, Rs. 7 lakh on 17-02-2016, Rs. 6 lakh on 24-02-2016, Rs. 6 lakh on 08-04-2016 and Rs. 10 lakh in two installments. It is alleged that after receiving the aforesaid amount, co-accused Pratima Devi and petitioner Amitesh Kumar executed an absolute sale-deed of the land in question in favour of Khushboo Kumari who is own sister of the petitioner on 27-04-2016. After executing the sale deed in favour of Khushboo Kumari, the petitioner had again received Rupees 15,27,000 on 14-09-2016 in the presence of the witnesses and when the informant requested to execute the sale deed in her favour, the accused persons told that they had already executed the sale deed in favour of Khushboo Kumari. It is further alleged that on 19-09-2016 on the instruction of the Pratima Devi and petitioner Amitesh Kumar, Khushboo Kumari executed the sale deed on 19-09-2016 in favour of the informant. The informant thereafter got the mutation of the aforesaid land done on 29.10.2016. But again with an intention to grab the money, Khushboo Kumari executed the sale deed in favour of the petitioner Amitesh Kumar on 09-01-2017.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The entire consideration money for executing the sale deed was agreed to the tune of Rs. 45 lakhs, but without paying the entire consideration amount, she was wanting to get the sale deed executed. The matter relates to civil nature for which criminal prosecution has been initiated against the petitioner. Though the petitioner accepts to have received Rs. 35 lakhs from the informant.

The petitioner is ready to return Rs. 35 lakhs to the informant in two installments within a period of three months from today. The petitioner further undertakes to pay Rs. 17.5 lakhs to the informant before filing of the bail bonds.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on **provisional anticipatory bail**, on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Patna

City, Patna in connection with Gaurichak P.S. Case No. 742
of 2022.

The bail bonds of the petitioner will be
accepted on filing receipt of payment of Rs. 17.5 lakhs by
the petitioner in favour of the informant.

The rest amount of Rs. 17.5 lakhs will be paid
by the petitioner in favour of the informant by means of
bank draft as per his submission.

The provisional bail of the petitioner will be
confirmed by the Court below on payment of the entire
amount of Rs. 35 lakhs in favour of the informant.

(S. B. Pd. Singh, J)

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