

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61001 of 2024

Arising Out of PS. Case No.-192 Year-2024 Thana- JAHANABAD District- Jehanabad

Bhola Kumar Son of Lalu Prasad R/O Vill.- Unta Prachin Devi Mandir, P.S.-
Jehanabad, Dist.- Jehanabad.

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad, Sr. Adv. Mr. Bhaskar Shankar, Adv.
For the Opposite Party/s	:	Mr. Kumar Chandra Shekhar, Adv. Mr. Veermani Kumar, Adv. Mr. Manoj Kumar Jha, Adv.
For the State	:	Mr. Umeshanand Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

8 04-04-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Jehanabad P.S. Case No. 192 of 2024 dated
06.03.2024 registered for the offences punishable u/ss 406, 420,
467, 506 read with section 34 of the Indian Penal Code.

3. As per the prosecution case, an agreement was
signed between the informant and the co-accused whereby a
double storey house was agreed to be sold by the co-accused to
the informant on a consideration money of Rs. 1.60 crore and
allegedly Rs. 50 lakhs through cheque and Rs. 13 lakhs in cash



were paid as earnest money in presence of the petitioner. The balance amount would be paid as per term. The co-accused denied to execute the sale-deed whereas the informant was ready in making the payment. The complaint was made on the basis that the petitioner and the co-accused cheated the said money of the informant.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. Learned counsel has further submitted that it appears from the F.I.R. that the informant knew before the agreement that the property in question was in the name of the wife of the petitioner who had already died and it was agreed that all the family members wanted to sell the said property. Therefore, the allegation that the petitioner cheated or had any ill motive is totally false. It is further submitted that the petitioner and his son Vikram Kumar are in favour of selling the said property but the daughter of the petitioner have filed Title Partition Suit No. 95/2023 before Sub-Judge-I, Jehanabad regarding the said property. Learned counsel has further submitted that the present case is purely civil in nature and no criminal case is made out against the petitioner. It is further submitted that the petitioner has no concern with the alleged offence. The co-accused person



has already been granted regular bail by this court vide order dated 25.06.2024 passed in Cr. Misc. No. 42225/2024. Learned counsel has further submitted that the second supplementary affidavit has been filed to state new payment proposal by the petitioner for the entire amount of Rs. 63,00,000/-. The petitioner will pay Rs. 8 lakh at the time of furnishing bail bond. Thereafter, the petitioner will pay Rs. 15 lakhs in 70 to 90 days from the first installment and the rest amount of Rs. 40 lakhs will be paid in 160 days to 180 days from the date of the first installment. It is further submitted that the entire payment will be made to O.P. No. 2 within 6 months from the date of furnishing the bail bonds. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the anticipatory bail petition of the petitioner by submitting that the accused petitioner had an intention to cheat the informant at the time of initial transaction. It is further submitted that learned counsel for the petitioner has denied to return the said amount to the O.P. No. 2 in open court.

6. Considering the aforesaid facts and circumstances of the case as well as the seriousness of allegation against the



petitioner, I am of the view that no case for grant of anticipatory bail is made out. The petition is rejected and the petitioner is directed to surrender to the Court below within six weeks from the date of this order and the Court below may consider the prayer of bail of the petitioner in accordance with law and on its own merits without being prejudiced by this order.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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