

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66511 of 2025**

Arising Out of PS. Case No.-1019 Year-2023 Thana- KATIHAR COMPLAINT CASE
District- Katihar

=====

Moti Sarkar S/o Ashit Sarkar Resident of Village- Mirchaibari/Sitla Ashthan,
P.S.- Katihar Muffasil, District- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vijay Mehta S/o Late Shankar Mehta .Resident of Village- Guru Bazar, P.S.-
Barari, District- Katihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-09-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 420 and
120B of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the allegation in
the complaint case, in sum and substance, is that the accused
persons including the petitioner received consideration amount
from the complainant for selling land but never executed the
sale deed in his favour.

4. Learned counsel for the petitioner submits that
petitioner has been falsely implicated in the instant case by the



complainant. It is further submitted that Kumar Gaurav @ Kumar Gaurab a similarly situated co-accused had approached this Court seeking anticipatory bail by filing Cr. Misc. No. 33280 of 2025 and the same was allowed by an order dated 11.07.2025 passed by a learned Coordinate Bench of this Court. It is next submitted that from perusal of the SA of the complainant, it would manifest that the complainant had given the amount in question to co-accused Ramesh Kumar Singh and Lallan Gupta and has not stated anything about the petitioner in his SA which was recorded by the learned trial court. It is also submitted that anticipatory bail was granted to Kumar Gaurav @ Kumar Gaurab after hearing the learned counsel appearing on behalf of the complainant as well as the learned A.P.P.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner and taking into consideration the order dated 11.07.2025 passed in Cr. Misc. No. 33280 of 2025 as also the fact that petitioner is a person with clean antecedent, let the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds



of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/Successor Court in connection with C.A. No. 1019 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. It is made clear that if the learned trial court comes to a conclusion that petitioner after his release on anticipatory bail is trying to delay the framing of charge or after framing of charge is delaying the trial in both the conditions the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

