

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73622 of 2024

Arising Out of PS. Case No.-454 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Ashish Kumar S/o Mr. Sanjay Prasad Singh R/o Village- Tope, Ward No.9,
P.O. Tope, P.S.- Sahjahanpur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Susila Devi W/o Mr. Jitendra Prasad R/o Village- Bhawalpur, P.O.- Eiara,
P.S.- Kurtha, District- Arwal, at present C/o Mr. Badri Narayan Singh
(Advocate), resident of Mohalla- Yrpur Yogiatala, P.S.- Gardanibagh,
District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr. Satyendra Prasad, APP

Mr. M.L. Mahto, Adv. for OP2

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 29-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a complaint
case punishable for the offence under Sections 406, 420 of the
Indian Penal Code.

3. As per the prosecution case, co-accused Khushbu
Pandey and co-accused Monu Kumar received total Rs. 60 lakh
from the complainant, as consideration money, for sale of a
piece of land, but they refused to execute the sale-deed in favour
of complainant and also failed to return the aforesaid money. It
is further alleged that out of aforesaid 60 lakh, Rs. 6,50,000/-
has been paid in the account of this petitioner.



4. Learned counsel for the petitioner submits that the agreement was made in between the complainant and co-accused Khushbu Pandey and pursuant to that agreement, money was transferred in the account of accused persons. As a matter of fact, co-accused Monu Kumar had shown a piece of land to this petitioner and for purchasing the same, petitioner had paid Rs. 6,50,000/-, as advance money, to co-accused, but when petitioner came to know that the said land is in the share of uncle of co-accused Monu Kumar, he refused to purchase the said land and then co-accused assured this petitioner to return the said amount and accordingly, the said amount was transferred in the account of this petitioner at the behest of co-accused Monu Kumar. Petitioner was not party to that agreement and has got no concern with the alleged transaction. Petitioner claims clean antecedent.

5. Learned A.P.P. for the State and learned counsel for opposite party no. 2 opposed the prayer for anticipatory bail of petitioner.

6. Considering the aforesaid facts and circumstances, in the event of arrest/surrender before the Court below within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna City (Patna) in connection with Compliant Case No. 454 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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