

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77681 of 2024

Arising Out of PS. Case No.-552 Year-2024 Thana- DIGHA District- Patna

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Amit Kumar S/O Late Shyamdev Rai @ Shyamdev Roy R/O Village- Dhusuk
Tola, Digha Ghat, P.S.- Digha, Dist.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manish Kumar S/O sri Lt. Panedoshwar Prasad, R/O Shivpuri, Anishabad,
P.S. Gardanibagh, Dist. Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Ranjan, Advocate
For the Opposite Party/s	:	Mr. Anil Prasad Singh, APP
For the Informant	:	Mr. Manoj Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 19-04-2025 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner apprehends his arrest in connection
with Digha P.S. Case no.552 of 2024 registered under Sections
319, 318(4), 318(2), 309(2), 309(4) and 3(5) of the B.N.S. Act,
2023.

3. The prosecution case arises out of negotiation
having been entered between the informant and the accused
Pradip Bansal for purchase of a piece of land for which the rate
was fixed as Rs. 50 lakhs per *katha*. The informant transferred
the amount to some other persons in their account as told by
accused Pradip Bansal on 07.08.2024 and 21.08.2024. It is
alleged that after receipt of the entire consideration amount, the



informant came to the house of Pradip Bansal. Accused Pradip Bansal and Md. Asagar Khan enhanced the amount of consideration to Rs. 75 lakhs per *katha*. Thereafter, the informant alleged to cancel the deed and asked them to return the amount of Rs. 50 lakhs paid by him earlier. The informant further states that the said amount of Rs. 50 lakhs , in cash , was returned to the informant for which acknowledgment receipt was also given by the informant bearing his signature. Thereafter, the informant proceeded towards his house on the vehicle of the accused persons with the driver. It is stated that after going to a distance of about 200 meter from Ghurdaud Road, a white colour Innova vehicle intercepted the car in which the informant was being driven and it is stated that four persons in Army attire, came out of the said Innova car on false pretext of checking the vehicle and picked up the bag containing the amount of Rs. 50 lakhs of the informant. The informant further states that Md. Asagar Khan and the driver who were earlier sitting in the vehicle with the informant, also sat in the said vehicle and fled towards Ashiyana Road. In these circumstances, the informant was cheated by the accused persons and hence the F.I.R.

4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the case. The petitioner happens to be the driver of the co-accused Pradip Bansal with whom the money transaction had taken place with the informant. He further submits that the petitioner is not named in the F.I.R and his name has transpired during course of investigation when the CCTV footage of the Innova vehicle was looked into and the driver who was seen in the CCTV footage as per paragraph no. 16 of the case diary, was one Md. Azad. On further investigation it surfaced that one Md. Amirudin had taken the police to the place where the vehicle was parked and another witness, namely, Raja Kumar who was present there disclosed upon inquiry that the present vehicle belongs to an Officer and the petitioner Amit Kumar is the driver of the said vehicle. This witness further stated that on the date of occurrence also, the car was driven by this petitioner.

5. At this stage, learned counsel for the petitioner submits that this witness Raja Kumar and his disclosure would not be relevant as he himself was not even present on the date of occurrence and his name does not figure anywhere in the F.I.R as a witness. The petitioner has no criminal antecedent and undertakes to cooperate in the case/trial.

6. The application for anticipatory bail is opposed by



learned A.P.P. for the State and learned counsel for the informant on the ground that the petitioner is the driver of the main accused and his complicity is established in the present case.

7. In view of the entire facts and circumstances of the case and also considering the fact that the petitioner has no criminal antecedent, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Digha P.S. Case no.552 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate- XIII, Patna, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

Harsh/-

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