

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82049 of 2024

Arising Out of PS. Case No.-10026 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Ganesh Kumar @ Ganesh Verma S/o Late Masudan Vрма R/o Village-
Raghunathpur Bhelura, Post- Karai, PS- Naubatpur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Sangita Kumari W/o Shi Satish Kumar R/o South Mandiri, Kathpur,
Post - G.P.O., P.S. - Budha Colony, Distt.- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar Barnwal, Adv.
For the State	:	Mr. Binod Kumar, APP.
For the Complainant	:	Mr. Sita Ram Mishra, Adv. Ms. Rachna Rani, Adv.

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 28-04-2025 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the complainant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 420 of the
Indian Penal Code and Section 138 of the N.I. Act.

3. The allegation levelled against the petitioner is that he
along with co-accused Sunil Kumar took total Rs. 57 lakh on
pretext of executing the sale deed in favour of the complainant,
but they neither measured the land nor executed the absolute
sale deed in favour of the complainant and thereafter, when the
complainant asked to return the money, the accused persons



shown their inability to return the entire amount altogether and offered the complainant to pay the same in installments. It has further been alleged that on 05.07.2022, the accused persons handed over a cheque of Rs. 6,50,000/- as a first installment in favour of the husband of the complainant, but on the same date, when the complainant deposited the said cheque in the account of his husband for encashment, the same was dishonoured and returned due to the insufficient balance.

4. Learned counsel for the petitioner submits that all the allegations levelled in the FIR are totally false and based on concocted facts. A perusal of the complaint petition would go to show that it is the co-accused Sunil Kumar, who entered into an agreement with the complainant and the alleged amount of Rs. 57 Lakh was also paid to the said Sunil Kumar. However, the allegation is that in response to the same, the sale deed was not executed. Learned counsel further submits that the petitioner never gave any cheque to the complainant rather it is co-accused Sunil Kumar, who handed over the cheque amounting to Rs. 6.5 lacs to the complainant which was subsequently bounced. It is further submitted that the dispute between the parties is civil in nature. The name of the petitioner has transpired in the present case merely on the ground that he



happens to be the brother of co-accused Sunil Kumar.

5. Learned APP for the State as well as learned counsel for the complainant opposes the prayer for bail on the ground that the petitioner was also present at the time of the said agreement.

6. Considering the facts and circumstances of the case and particularly the fact that the petitioner did not have any role to play and the agreement was entered into by co-accused Sunil Kumar, I am inclined to extend the privilege of anticipatory bail to the petitioner. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released 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 J.M. 1st Class, Patna in connection with Complaint Case No. 10026(c) of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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