

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2020 of 2025

Arising Out of PS. Case No.-275 Year-2024 Thana- SIMRI District- Buxar

Nagendra Pratap Giri, Son of Late Vijay Shankar Giri, Resident of Village -
Mallah Chakiya, Koshopur, P.S. - Simri, District - Buxar, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sachin Kumar, S/O- Late Satendra Kumar R/O- Vill and Post- Dumri, P.S.-
Simri, District- Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Ranjan, Advocate
For the Opposite Party No.1	:	Mr. Narendra Kumar Singh, APP
For the Opposite Party No.2	:	Mr. Arvind Kumar Pradhan, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 04-08-2025 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the Opposite Party
No. 2.

2. The petitioner apprehends his arrest in connection
with Simri P.S. Case No.275 of 2024 registered under Sections
406, 420, 120(B), 504, 506, 379, 467, 468, 34 of the Indian
Penal Code on 16.08.2024.

3. The allegation in the first information report is that
the informant had entered into an agreement to sell-purchase 97
bigha and 14 Katha of land for an amount of Rs.69,40,000/- out
of which an amount of Rs.10,51,000/- was paid to the petitioner.
However, it is submitted that subsequently the land was not



transferred to the informant and it came to be known that it was government land.

4. Learned counsel for the petitioner submits that the land in question belongs to the petitioner and his brothers as per the earlier survey and the *jamabandi* etc. also stood in their name. However, subsequently in the fresh land survey the said piece of land was categorized as government land. It has also been submitted that there was no intention to cheat the informant. The informant has entered into the agreement of sale on the basis of valid land documents and the fact is that the land is still in the physical possession of the petitioner and others. It is thus, submitted that the dispute is purely civil in nature and is also based on documents. By way of supplementary affidavit, the CS *Khatain* of the subject land has been brought on record along with the account statement of co-accused Devendra Pratap Giri in order to show that the money has not been received in the account of this petitioner. Petitioner has no criminal antecedent.

5. Learned counsel for the opposite party No.2, however, opposes grant of anticipatory bail to the petitioner on the ground that he has been cheated of an amount of Rs.10,51,000/-.



6. Considering the rival contentions and taking into consideration that the dispute is of civil in nature, 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 Simri P.S. Case No.275 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 Judicial Magistrate, 1st Class No. XII, Buxer, 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)

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