

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1023 of 2025**

Arising Out of PS. Case No.-61 Year-2023 Thana- KATIHAR MUFFASIL District- Katihar

Amarnath Prasad @ Amarnath Prasad Guide @ Pradeep son of Kalasan
Prasad Village -Bhadhwa Bari, P.S-Katihar Town, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukul Kumari

For the Opposite Party/s : Mr.Zainul Abedin

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 25-04-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Katihar Muffasil P.S. Case No. 61 of 2023 dated 21.03.2023 (G.R. No. 1572/2023) registered for the offences punishable u/ss 406, 420, 467, 468, 471, 120B of the Indian Penal Code.

3. As per the prosecution case, an agreement was signed by the informant and the co-accused, Narayan Mallick who is the Director of the Company namely Manokamna Infra Pvt. Ltd whereby land was agreed to be sold by the co-accused to the informant on a consideration money of Rs. 20,84,625 /- and allegedly Rs. 11,00,000/- was paid to the co-accused,



Narayan Mallick as earnest money. But the accused persons denied to execute a registered sale deed and did not refund the said amount. Accordingly, the petitioner and the co-accused persons cheated the informant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The occurrence took place on 12.01.2021 but the F.I.R was lodged on 21.03.2023 after delay of more than 2 years without any explanation. It is further submitted that the petitioner is the office boy and has only introduced the informant with co-accused person, namely, Narayan Kumar Malik who being the Director of Manokamna Infra Pvt. Ltd. and he is involved in selling and purchasing of land and all the transaction has been made by way of cheque in favour of Narayan Kumar Malik. The petitioner neither received any money from the informant nor involved in sale and purchase of land. The other co-accused person has already been granted regular bail by this court *vide* order dated 08.07.2024 passed in Cr. Misc. No. 9428/2024. The petitioner has four criminal antecedents which are related to similar nature of offence as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently



opposed the prayer for anticipatory bail of the petitioner by submitting that the petitioner is the mediator in the alleged occurrence and after receiving the money the petitioner and the co-accused persons did not execute the sale deed.

6. Considering the aforesaid facts and circumstances of the case as well as the allegation levelled against the petitioner, I am of the view that no case for grant of anticipatory bail is made out. The petition is rejected and the petitioner is directed to surrender to the Court below within six weeks from the date of this order and the Court below may consider the prayer of the bail of the petitioner in accordance with law and on its own merits without being prejudice by this order.

7. This application stands rejected.

(Chandra Prakash Singh, J)

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