

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80753 of 2025

Arising Out of PS. Case No.-854 Year-2023 Thana- GARDANIBAG District- Patna

Awadhesh Singh @ Awadhesh kumar singh S/O Late Bhuneshwar Singh
Resident of Quarter No AE-1 Jeetpur, P.S.- Jora Pokhar, District- Dhanbad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kush

For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 15-04-2026 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Gardanibagh P.S. Case No. 854 of 2023 dated 23.12.2023 registered under Section 420 and 406 of the I.P.C.

3. As per the first information report the petitioner along with his son made a proposal to the informant to sell their land situated at Ranchi upon which the informant agreed. On 13.02.2023 she paid a sum of Rs. 20 lakh to the petitioner and his son in cash and the petitioner and his son also told the informant to arrange rest of the money by July, 2023. The total consideration amount of the land fixed was Rs. 90 lakh and the date of registry was fixed on 03.12.2023. The informant went to Ranchi on 02.12.2023 i.e. one day before the date of registry and he came to know that the land in question does not belong



to the petitioner or his son.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case on the basis of false and concocted story. No agreement for sale was entered into by the petitioner with the informant and in the entire F.I.R. even the description / detail of the land has not been mentioned. In fact, there was fiduciary relationship between the informant and petitioner's son inasmuch as the petitioner's son and the informant used to deal in shares and for the purpose of purchase of share the money as referred in the F.I.R. were being transferred in the bank account of the petitioner's son of which the petitioner was having no knowledge. The petitioner has annexed his account statement of the State Bank of India as Annexeure- P/2 for the relevant period mentioned in the F.I.R. and from perusal of the same it would be evident that not a single farthing was transferred in the bank account of the petitioner by the informant. The petitioner is a retired person aged about sixty five years and has been dragged in this case with an ulterior motive when the informant incurred loss in the share market.

5. On the other hand, learned counsel for the informant opposed the prayer for anticipatory bail and submits that there



was oral agreement for sale of land in favour of the informant by the petitioner and his son and despite having received a huge amount of Rs. 90 lakh, the land has not been transferred and it was found that the petitioner was not the owner of the land which he proposed to sale. He further submits that petitioner was given privilege of Section 41A of the Cr.P.C. as such the petitioner's present application for anticipatory bail is not maintainable.

6. In reply, learned counsel for the petitioner submits that it is true that petitioner was given privilege of Section 41A Cr.P.C., however after investigation police submitted charge sheet under Section 420, 406 of the I.P.C. and the court has taken cognizance of the offence against the petitioner.

7. I have heard learned counsel for the parties and have gone through the F.I.R. including the materials on record. From perusal of the F.I.R. it appears that there is no written agreement for sale entered into between the parties, even description of land which the petitioner proposed to transfer in favour of the informant is not mentioned, the statement of account of the petitioner does not reflect any money transfer in his account by the informant and further considering the fact that during investigation the petitioner has been given protection under



Section 41A of the Cr.P.C., accordingly, I am inclined to grant anticipatory bail to the petitioner.

8. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIII Patna in connection with Gardanibagh P.S. Case No. 854 of 2023 subject to the condition as laid down under Section 482 (2) of the B.N.S.S. 2023.

(Anil Kumar Sinha, J)

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