

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37911 of 2015

Arising Out of PS.Case No. -230 Year- 2015 Thana -LAHERIASARAI District- DARBHANGA

1. Draupadi Devi, W/o Udai Shankar Yadav, resident of mohalla- Panda Sarai, Police Station- Laheria Sarai, District- Darbhanga
2. Ram Babu Yadav, S/o Sarb Narain Yadav, resident of village- Bhachhi, Police Station- Baheri, District- Darbhanga
3. Gauri Shankar Jha, S/o Bindeshwar Jha, resident of village- Kabilpur, Police Station-Bahadurpur, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-09-2015

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 406, 420, 467, 468, 471, 120B/34 of the Indian Penal Code.

The prosecution case is that informant entered into an agreement on 30.08.2011 with co-accused Uday Shankar Yadav, the husband of petitioner no. 1 for transfer of five katha of land in favour of Uday Shankar



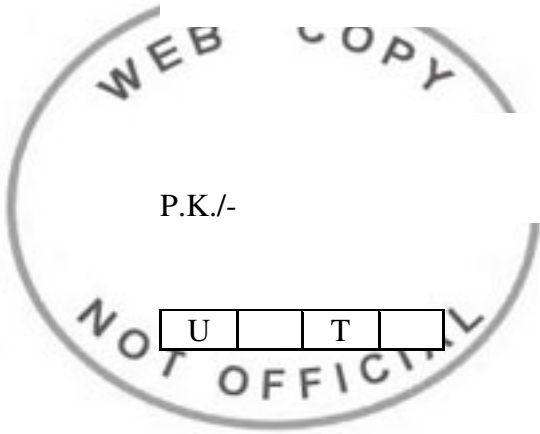
Yadav as the informant was the power of attorney holder of he said land. The co-accused Uday Shankar Yadav gave Rs. 21 lakhs to the informant and a stipulation to that effect was made in the agreement. Uday Shankar demanded cheque as security for the money given to the informant when the informant gave twenty undated cheques to Uday Shankar in different names to escape the rigours of income tax. Out of twenty cheques, eight cheques were given in the name of Uday Shankar, six in the name of petitioner no. 1 Draupadi Devi and two cheques in the name of petitioner no. 2 Ram Babu Yadav. Consequently Uday Shankar Yadav withdrew four lakhs from the Bank through one of the cheques given in his name. On receiving such information the informant directed the Bank to stop payment. The further case of the informant is that the transfer of the land could not be made due to the connected matter not being disposed off by the High Court. When co-accused Uday Shankar Yadav pressurized the informant for return of the advance amount. Subsequently on 15.11.2014 the accused came for return of advance amount claiming Rs. 54.30 lakhs then informant came to know that the advance amount of Rs. 21 lakhs was interpolated to Rs. 54.30 lakhs hence the co-accused Uday Shankar Yadav demanded Rs. 54.30 lakhs along with 20 lakhs as interest. On 20.11.2014 the

informant returned Rs. 17 lakhs to Uday Shankar Yadav and since Rs. 4 lakhs was encashed through cheque hence the informant returned the entire amount of Rs. 21 lakhs but the accused did not return the original deed of agreement.

It is submitted by the learned counsel for the petitioners that the petitioner no. 1 and 2 filed several complaints being 130 of 2015, 131 of 2015 and 257 of 2015 against the informant for bouncing of the cheques and thereafter the present case has been registered on 19.02.2015. The agreement was between informant and co-accused Udai Shankar Yadav. The petitioners were neither party to the agreement nor received any amount or encashed any cheque. But the informant in order to grab Rs. 54.30 lakh of the husband of petitioner no. 1 has lodged the present case. Statement has been made in paragraph-3 of the petition that petitioners have no criminal antecedent.

Considering the nature of accusation and the case lodged by the petitioners' side at the earlier point of time, let the above named petitioners be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Laheria Sarai P.S.

Case No. 230 of 2015, subject to conditions as laid down under
Section 438(2) of the Indian Penal Code.



(Dinesh Kumar Singh, J)