

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33511 of 2018

Arising Out of PS. Case No.-1090 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Umesh Prasad, S/o Late Kailash Prasad,
 2. Navneet Ranjan, S/o Shambhu Narayan Rai,
 3. Ritesh Ranjan S/o Shambhu Narayan Rai, All of R/o Road No. 21
in the House of Bihari Thakur, P.S.- Gardanibagh, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Dinesh Kumar aged about 43 Years, S/o Late Devnandan Singh, R/o Mohalla-
Jaipal Nagar, Gola Road, P.S.- Rupaspur, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey
For the Opposite Party/s : Mr. Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 03-07-2018 Heard the learned counsel for the petitioners,
the informant and the State.

The petitioners seek bail in anticipation of their arrest in connection with Complaint Case No. 1090 of 2017 in which cognizance has been taken under Sections 420 and 406 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that from the narration made in the complaint petition itself, it would appear that the petitioners were not part of the deliberations and were not even present when the agreement was charted out for sale of a particular plot of land. No doubt the father of petitioners no. 2 and 3 had disclosed to the complainant that he



owns a land which he wishes to sell. On such representation by the father of petitioners no. 2 and 3, the complainant parted with approximately Rs. 4 lakhs in installments. Later, it was learnt that the father of the petitioners was contemplating to misappropriate the money spent by the complainant and not to convey the property. When the complainant went to the spot/plot of land, he was manhandled by the petitioners and was divested of some of his personal belongings.

Learned counsel for the petitioners has submitted that petitioner no. 1 is the husband of a person in whose name contiguous property stands and who has an evil eye over the property which is sought to be sold. Petitioners no. 2 and 3 are young persons who have barely passed their matriculation examination. It has been submitted that for the fault of Shambhu Narain Rai, if at all such fault is committed, the petitioners cannot be prosecuted.

Mr. S.K. Lal, appearing for the complainant however has submitted that if the entire complaint petition and his solemn affirmation is looked in a holistic manner, it would appear that the petitioners are also in cahoots with Shambhu Narain Rai for cheating the complainant. The mischief of Section 406 and 420 of the IPC, it has been argued gets attracted.



So far as allegation of assault and snatching of gold ornaments is concerned, it appears to be an addition for adding serious colour to the case.

Regard being had to the aforesaid facts as also taking into account that the petitioners were not party to any talk of sale or purchase or any agreement towards the aforesaid sale and purchase, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Patna in connection with Complaint Case No. 1090 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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