

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53431 of 2018

Arising Out of PS. Case No.-321 Year-2018 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

-
1. Dilip Kumar.
 2. Sudhir Kumar, Both Sons of Late Ramu Rai.
 3. Mostt. Raj Kumari Devi W/o Late Ramu Rai. All R/o Mohalla-
Ayodhya Prasad Lane, Mohanpur Colony, Motijheel, P.S. Town,
District- Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Jai Prakash Verma, Advocate
For the Informant	:	Mr. Ravindra Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Nityanand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 11-12-2018 Heard leaned counsel for the petitioners, learned
counsel appearing for the informant and leaned A.P.P. for the
State.

The petitioners apprehend their arrest in
connection with Town P.S. Case No. 321 of 2018, registered
under Sections 420, 406, 504, 506 and 379 of the Indian Penal
Code and Section 138 of the N.I. Act, pending in the court of
the Chief Judicial Magistrate, Muzaffarpur.

The accusation is that informant talked to
petitioner No.1 Dilip Kumar and Petitioner No.2 Sudhir
Kumar, both son of petitioner No.3 Most. Raj Kumari Devi to
purchase the land, which is in the name of petitioner No.3.



After negotiation, the price of the land was fixed as Rs. 24 Lakhs and thereafter, the informant took loan of Rs. 13 Lakhs from the bank and handed over to the petitioner Nos.1 and 2, in presence of petitioner No.3, who was ill. At that time, in spite of request, petitioners refused to execute the sale deed. Later on, on much persuasion, petitioner No.1 issued cheque of Rs. Six lakhs and petitioner No.2 issued cheque of Rs. 5,80,000/-, but both cheques were dishonoured due to insufficiency of funds. In spite of assurance in the Panchayati to return the money, the petitioners did not return the money to the informant.

Learned counsel for the petitioners submits that it would appear from the F.I.R. that petitioner No.3 Most. Raj Kumari Devi is the mother of petitioner Nos. 1 and 2, has not received any money nor she has issued the alleged cheques.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner No.1 Dilip Kumar and petitioner No.2 Sudhir Kumar, I am not inclined to grant anticipatory bail to petitioner Nos.1 and 2. Accordingly, their prayer for grant of anticipatory bail stands rejected. The petitioner Nos. 1 and 2 are directed to surrender before the trial Court within four weeks and pray for regular



bail, which would be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

So far petitioner No.3 Most. Raj Kumari Devi is concerned, considering the nature of allegation against her, she is directed to be released on bail, in the event of her arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur in connection with Town P.S. Case No. 321 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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