

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8104 of 2018

Arising Out of PS.Case No. -779 Year- 2017 Thana -SAHARSA COMPLAINT CASE District - -

1. Nibha Singh @ Nibha Kumari Wife of Abhishek Singh, Resident of Village-Rakiya, P.S. Bihra, District-Saharsa.

2. Sanjay Kumar Singh, Son of Late Satyanarayan Singh

3. Vijay Kumar Singh, Son of Late Satyanarayan Singh. Both Resident of Madhepura near P.S. Science College, Proprietor M/S Maa Kali Lubricants, P.S. Mahepura, District-Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

2. Mohit Sah, Son of Late Bhagwan Sah, Resident of Mohalla Chanakayapuri, Ward No. 19, Saharsa, P.S. Saharsa, District Saharsa and Govt. bus Depo, Raju Hotel Ward No.10, Saharsa, P.S. Saharsa, District Saharas.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sameer Ranjan

For the Opposite Party/s : Mr. Anuj Kumar Srivastava

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 27-02-2018 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Petitioners apprehend arrest in connection with Complaint Case No. 779 of 2017 registered for the offence under section 420 of the Indian Penal Code and section 138 of the Negotiable Instruments Act.

The complainant has alleged that these petitioners in collusion with each other took an amount of Rs.25,000,00/- (twenty lacs) for transferring the land in favour of the complainant. The complainant subsequently learnt that the accused persons had no title over the said land and so he requested



the accused to return the said amount. The petitioners issued cheques in favour of the complainant which, on presentation in Bank, bounced. The petitioners have, thus, cheated the complainant and committed breach of trust. It has been submitted that the three signed cheques of the petitioners had misplaced and for which a written information was submitted to the Branch Manager on the same day i.e. on 18.11.2016 for not making payment with respect to cheque nos. 31673, 31674 and 31675. There was absolutely no negotiation for transferring any land. The dispute between the parties is purely a civil dispute and no offence under section 420 of the Indian Penal Code is made out against these petitioners who have clean antecedent. The allegation of cheating is omnibus and so they deserve anticipatory bail.

The learned Additional Public Prosecutor on the other hand opposed the submission.

Considering the nature of allegation, facts and circumstances of the case, the prayer for anticipatory bail is allowed and the above named petitioners in the event of arrest or surrender before the learned court below within six weeks from today, are directed to be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in



connection with Complaint Case No. 779 of 2017, subject to condition as laid down under section 438(2) Cr.P.C. with further condition:

- (1) One of the bailors of the petitioners shall be Local person having sufficient immovable Property within the jurisdiction of the concerned Court.
- (2) The petitioners will not induce any witness or tamper with the evidence.
- (3) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court.
- (4) If the petitioners are found involved in similar type of offence in future, the prosecution will have liberty to move for cancellation of their bail.

(Sanjay Kumar, J)

Mahesh/-

U		T	
---	--	---	--

