

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57385 of 2017

Arising Out of PS.Case No. -337 Year- 2015 Thana -CHAPRA MUFFASIL District- SARAN

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1. Rajendra Prasad Singh, Son of Late Sheopujan Singh,
2. Shashi Shekhar Singh, Son of Rajendra Prasad Singh, Both residents of
Chandmari Road, Near Tata Motors, Bye Pass Road, P.S.- Chapra Muffasil,
District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kameshwar Prasad @ Kameshwar Prasad Singh, Son of Late Suraj
Singh, Resident of Masumganj, P.S.- Bhagwan Bazar, District- Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Binod Singh

For the Opposite Party/s : Mr. Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 10-01-2018 Heard the learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek anticipatory bail in connection with
Chapra Muffasil P.S. case no. 337 of 2015 (arising out of
complaint Case No. 929 of 2015) registered for the offences
punishable under Sections 420, 406 of the Indian Penal Code and
Section 138 of the N.I. Act.

The allegation of the prosecution is that the informant had
contacted with the petitioners for purchase of land and in process
thereof, it was decided that the land would be sold by the
petitioners in lieu of some consideration money amounting to
Rs.21 lacs. It is alleged that the informant then deposited a sum of
Rs.15 lacs in the account of the petitioners herein and had further made a



payment of cash of Rs. 6 lacs. Subsequently, the land was not transferred in the name of the informant, whereafter the petitioners issued a cheque in favour of the informant. However, the said cheque is said to have bounced.

The learned counsel for the petitioners submits that at best the allegation levelled in the present case constitutes a civil wrong and no criminal offence is made out. It is further submitted that a case has also been filed under Section 138 of the N.I. Act and, therefore, the petitioners have exhausted their appropriate remedy and the said provision of N.I. Act is bailable. It is submitted that as far as Sections 420 and 406 are concerned, no case is made out.

The learned counsel for the informant has vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submits that a big fraud has been committed by the petitioners herein.

Having regard to the facts and circumstances of the case and considering the amount involved in the present case, I deem it fit and appropriate that in the event of arrest or surrender within six weeks before the concerned court, the petitioners above named be released on anticipatory bail on furnishing bonds of Rs. 100000/- (Rs. One lac) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saran at Chapra in



connection with Chapra Muffasil PS case no. 337 of 2015, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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