

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22595 of 2019

Arising Out of PS. Case No.-4737 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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MUNSHI LAL SHARMA Son of Late Triloki Sharma, Resident of Village -
Chhoti Pahari, Agamkuan, Pahari Road, Rashida Chak, P.S.- Agamkuan,
Distt.- Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Pashupati Nath jha son of late Mangal jha R/O village- North Jay Prakash
Nagar , Road No 4 , P.S - Rajeev Nagar District- Patna
3. Rita Devi W/o Sri Chandra Bhushan Singh R/O village- 2 A/42,
INDRAPURI, P.S PATLIPUTRA, DISTRICT- PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aditya Narayan Singh.1
For the Opposite Party/s : Mr.Bhanu Pratap Singh

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

5 02-08-2019 Heard the parties.

The petitioner seeks pre-arrest bail in Complaint Case
No.4737 (C) of 2017 registered for the offence under Sections
406 and 420/34 of the Indian Penal Code.

Accusation is that the Title Suit No.233 of 2014 was
pending in the court of Sub-Judge-I, Patna in between
Bishwanath Paswan and Nandu Paswan and Jawahar Paswan.
In the evening of 16.01.2014 at 6.00 P.M. petitioner along with
Ravi Kumar came at the residence of O.P.No.2 to invest money
in the business of purchasing and selling the land for



augmenting their amount as they were knowing that after retirement the complainant O.P.No.1 has got huge money. Besides this both showed the complainant O.P.No.1 the agreements to sale in between the petitioner and Ravi Kumar with Vishwanath Paswan and Jawahar Paswan. On relying upon the version of the petitioner and Ravi Kumar the complainants- O.P. Nos.1 & 2 gave Rs.15,43,000/- to them before 25.06.2015 on assurance to give them 31 decimals land out of 62 decimals land and deed of agreement for sale was also prepared on 25..6.2015 but after settlement of civil dispute they sold the land detailed in agreement in agreement to sale by the accused persons and thus the amount of Rs.22,00,000/- given by the complainants O.P. Nos.1 & 2 was misappropriated by the petitioner Ravi Kumar and on demand by the complainants they threatened the complainants O.P.Nos.1 & 2 to kill them.

Learned counsel for the petitioner submits that, in fact, the complainants O.P.Nos.1 & 2 as well as the petitioner are doing the business jointly as it would be evident from the complaint petition itself and due to some dispute regarding profit the present case has been filed, He further submitted that though the petitioner and Ravi Kumar @ Ravindra Kumar paid Rs.25,00,000/- to the petitioner against the amount invested by



the complainant as Rs.15,43,000/- and on receipt of the said amount the complainant executed a deed dated 28.06.2016 in presence of witnesses that the amount has been received and therefore agreement for sale deed dated 29.06.2015 executed in favour of the complainant has become redundant.

Having regard to the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the C.J.M., Patna, in Complaint Case No.4737 (C) of 2017 subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Rajendra Kumar Mishra, J)

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