

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70780 of 2018**

Arising Out of PS. Case No.-23 Year-2016 Thana- SANGRAMPUR District- East
Champaran

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1. Sanjeet Tiwary @ Mantu Tiwary, Son of Yogendra Tivari,
 2. Jhunna Tiwary @ Tunna Tiwary, Son of Yogendra Tivari, Both are resident of Village- Ijara Upadhyay Tola, Police Station- Sangrampur, District- East Champaran.
 3. Vishwajeet Kumar Upadhyay, son of Sri Baleshwar Upadhyay, resident of village- Ijara Upadhyay Tola, P.S. Sangrampur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anand Kumar Mishra, S/O Jawahar Mishra, resident of Village Ijara, P.S. Sangrampur, District East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Sri Ashok Kumar Singh 1

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

ORAL ORDER

3 02-07-2019 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Sangrampur P.S. Case No. 23 of 2016, registered under Sections 387, 384, 327, 406, 420 and 120(B) of the Indian Penal Code.

The accusation is that informant-opposite party no. 2, Anand Kumar Mishra, was willing to purchase the land at Motihari for construction of house and petitioners, who used to do the business of real State, asked the informant-opposite party



no. 2 to the effect that they will manage the land measuring 1 Katha 10 dhoor in Mohalla Ambika Nagar. Accordingly, petitioners demanded Rs.5,00,000/- but informant-opposite party no. 2 gave only Rs.50,000/- to them as advance. Thereafter, petitioners again approached and made demand of some money as advance then informant-opposite party no. 2 refused and handed over two cheques of Rs.47,000/- and Rs.46,000/- respectively, on 05.11.2014 and 05.12.2014 to the petitioners and assured that remaining amount will be given within three months but later on, he came to know that aforesaid land is belonging to the staff of Civil Courts and he will not sale the aforesaid plot. Thereafter, informant-opposite party no.2 demanded Rs.50,000/-, as given in advance, but petitioner did not return. On 20.06.2015, when informant-opposite party no. 2 went to the house of petitioners and made demand of money then petitioners started to abuse and took cash of Rs.3200/- from his pocket and also snatched his gold chain.

Learned counsel for the petitioners submits that, in fact, informant-opposite party no. 2 of the present case had taken Rs.1,00,000/- for opening the medical shop and on much approach, while informant-opposite party no. 2 returned cash of Rs.7,000/- and for remaining amount, he handed over two



cheaques to the petitioner no.1, which was presented for encashment but the same was dishonored due to that reason petitioner no. 1 lodged Sangrampur P.S. Case No. 83 of 2015 against the informant of the present case but thereafter, only to give undue pressure, the present case has been lodged with false allegation.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six 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 learned Additional Chief Judicial Magistrate-XIV, East Champaran at Motihari in connection with Sangrampur P.S. Case No. 23 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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