

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49225 of 2019

Arising Out of PS. Case No.-746 Year-2018 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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1. Ashok Prasad @ Ashok Prasad Gupta @ Ashok Kumar Gupta Son of Heera Lal Gupta Resident of Village - Main Road, Barun, P.S.- Barun, District - Aurangabad.
 2. Shobha Kumari @ Shobha Devi Wife of Late Ganesh Prasad Resident of Village - Main Road, Barun, P.S.- Barun, District - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Satish Kumar Swami Son of Late Shiv Narayan Director, S.S. Swami Developers and Infrastructure Private Limited, Registered office - 511, Supriya Apartment, Sector - 10, Plot No. 20, Dwarka, New Delhi - 110075.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-08-2019 Heard learned counsel for the petitioners and

learned APP representing the State.

The petitioners apprehend their arrest in connection
with Complaint Case No. 746 of 2018, registered under Sections
406, 420 and 504 of the Indian Penal Code.

The allegation against the petitioners, as per the
statement made in the complaint, is that the complainant is the
Director of S.S. Swami Developers and Infrastructure Pvt. Ltd.
and the complainant had entered into an understanding with the
husband of the petitioner no.2 i.e. Late Ganesh Prasad for



purchase of a piece of land bearing Khata No. 65, plot no. 648, having an area of 87 ½ decimal in Aurangabad. It has further been alleged that the complainant paid a sum of Rs. 5,29,000/- in favour of the Late Ganesh Prasad i.e. husband of the petitioner no.2, but Late Ganesh Prasad registered the same in the name of the petitioner, when the complainant contacted Late Ganesh Prasad, he registered only 6 ¼ decimal of land from the same in favour of the complainant on 18.06.2014. accordingly, the complainant alleged that all accused persons along with Late Ganesh Prasad had committed forgery and cheating against the complainant.

Learned counsel for the petitioners submits the petitioners have falsely been implicated in this case inasmuch as the petitioner no.1 is brother of Late Ganesh Prasad and petitioner no.2 is wife of Late Ganesh Prasad, who have nothing to do with the agreement, which had taken place with complainant and Late Ganesh Prasad. It was not in the knowledge of all these petitioners, and he further submits that the deals with Late Ganesh Prasad had completed in the year 2014 as it would be evident from the statement made in the complaint and further after death of the Late Ganesh Prasad, on 08.12.2017, the present malafide complaint has been lodged



against these petitioners.

After having heard learned counsel for the parties and taking into consideration the fact that transaction between complainant and Late Ganesh Prasad had completed in 2014 and present complaint has been filed after considerable lapse of time i.e. about four years in 2018 and these petitioners who are brother and wife of the Late Ganesh Prasad, I am inclined to grant anticipatory bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioners, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Complaint Case No. 746 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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