

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60545 of 2019

Arising Out of PS. Case No.-116 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Vinod Sah, Aged about 36 years, Male, Son of Nagina Sah @ Nagina Prasad, Resident of Village Singhiya Sagar, P.S. Banjariya, District East Champaran.
 2. Nagina Sah @ Nagina Prasad, Aged about 66 years, Male, Son of Chhathu Sah, Resident of Village Singhiya Sagar, P.S. Banjariya, District East Champaran.
 3. Robbin Kumar @ Vikash Kumar, Aged about 27 years, Male, Son of Raj Kishore Prasad, Resident of Village Loharpatti, P.S. Motihari Town, District East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Abdul Kalam, Aged about 45 years, Male, Son of Late Abdul Ajj Ansari, Resident of Village Nakchand Tola, Ward No.4, Near Urdu School, P.S. Motihari Town, District East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III

For the Opposite Party/s : Mr.Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 15-10-2019 Heard both sides.

The petitioners apprehend their arrest in Complaint Case No. C-116 of 2019 for the offences allegedly committed by the petitioners under Sections 323, 379, 406, 420, 504 and 34 of the Indian Penal Code.

The complainant alleged that petitioner no.1 agreed to sell 10 dhurs of land at the rate of Rs.20,00,000/- per katha. The complainant gave Rs.3,00,000/- in cash and Rs.1,00,000/-



through cheque to petitioner no.1 and requested the petitioners to execute the sale deed but the accused persons did not execute the sale deed nor return the money.

Learned counsel for the petitioners submits that prior to institution of the present complaint case, the petitioner no.1 lodged Complaint Case No.2349 of 2018 against the complainant Abdul Kalam for dishonouring of cheque given by him towards payment of loan borrowed by the complainant from petitioner no.1. It is further submitted that the complainant is habitual cheater. Complaint Case No.1809 of 2016 is also lodged against the complainant. In fact the petitioners never agreed to sell any piece of land rather the complainant had borrowed money from petitioner no.1 and it was complainant who issued a cheque of Rs.1,00,000/- but when the petitioner no.1 presented the cheque in the bank, the same was dishonoured for which Annexure-2, Complaint Case No.2349 of 2018, was filed on 16.11.2018. When the complainant came to know about the institution of the case, the complainant filed this complaint case making false allegation.

Taking into consideration the facts that the petitioners denied to have agreed to sell any piece of land and received money from the complainant and the fact that the petitioner no.1



had earlier lodged a complaint case against the complainant of the present case for dishonouring of cheque, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Motihari, East Champaran in connection with Complaint Case No. C-116 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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