

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71572 of 2019

Arising Out of PS. Case No.-385 Year-2019 Thana- RUPASPUR District- Patna

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1. Ram Pawan Singh @ Ram Bachan Singh, aged about 90 years, Son of Late Mewa Singh
 2. Amod Kumar @ Amod Prasad, aged about 47 years, Son of Ram Bachan Singh, both resident of Mohalla - Chalahi Chak, P.S.- Danapur, P.O. Rupaspur, District and Town - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjeev Kumar, Son of Sudhir Kumar Singh, Resident of Mohalla - New Sabajpura, P.O. Khagaul, P.S.- Phulwari, Distt - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratan Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-11-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Rupaspur P.S. Case No. 385 of 2019 registered for the offences punishable under Sections 406, 420, 323, 379, 504 of the Indian Penal Code.

The case of the complainant, in brief is as such: On 29.08.2019, the complainant Sajeev Kumar filed complaint case in the court of A.C.J.M., Danapur, in which the complainant has alleged that he made an agreement to sell of the land, situated at village Hadaspur with the accused Bachan Singh and at the time



of agreement, he paid Rs.10,00,000/- (ten lacs) cash and cheque and petitioner no.2 Amod Kumar was the identifier. The complainant has further alleged that on 13.09.2018, he further paid Rs.9,00,000/- (nine lacs) through the different cheques and Rs.1,00,000/- (one lac) cash to the petitioners. The complainant has further alleged that on 13.10.2018, he further gave a cheque of Rs.3,00,000/- (three lacs) to the petitioner no.2, who also given receiving of the cheque and, thus, the total amount of Rs.23,00,000/- (twenty three lacs) have been received jointly by the accused Ram Bachan Singh and petitioner no.2. The complainant has further alleged that he repeatedly requested to the accused persons to execute the sale-deed in agreement, but on one plea or other they evaded and when the complainant went to the house of the accused persons with one Birendra Kumar on 20.07.2019, the accused persons committed mischief with the complainant, and petitioner no.2 snatched away his golden chain and accused Dinesh Kumar took out Rs.5,000/- from the pocket of the complainant, and they told him that they will not execute the sale-deed.

Learned counsel for the petitioners submits that petitioners are quite innocent and have committed no offence and the allegations against the petitioners are totally false and



baseless. Learned counsel for the petitioners further submits that the petitioners have not committed any mischief with the complainant and they are ready to return the entire amount of the complainant through draft before the Court with condition that the complainant will return the original agreement paper.

Learned counsel for the opposite party no.2 has appeared and he is not ready to accept the amount given to the petitioners. Learned counsel for the petitioners further submits that it is a civil dispute not a criminal dispute.

In the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of 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) each with two sureties of the like amount each to the satisfaction of A.C.J.M. IInd Court, Danapur in connection with Rupaspur P.S. Case No. 385 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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