

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 6434 of 2020

Arising Out of PS Case No.-216 Year-2019 Thana- DANAPUR District- Patna

1. Sushma Tiwary @ Sushma Kumari, aged about 46 years, Wife of Vinay Tiwary @ Vinay Kumar Tiwary, Resident of Ashiyana Tower, 4th Floor, Room No. 417/419, Exhibition Road, P.S. - Gandhi Maidan, District - Patna, Director of M/S Technoculture Building Centre Pvt. Ltd. (Vastu Vihar).
2. Vinay Tiwary @ Vinay Kumar Tiwary, aged about 52 years, Son of Late Baleshwar Tiwary Resident of Ashiyana Tower, 4th Floor, Room No. 417/419, Exhibition Road, P.S. - Gandhi Maidan, District - Patna, Director of M/S Technoculture Building Centre Pvt. Ltd.
3. Dhirendra Kumar Singh, aged about 45 Years, Son of Sri Indradeo Singh, Resident of Ashiyana Tower, 4th Floor, Room No. 417/419, Exhibition Road, P.S. - Gandhi Maidan, District - Patna, Director of M/S Technoculture Building Centre Pvt. Ltd.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kishore Thakur, Advocate
For the Informant	:	Mr. Shyama Kant Singh and Mrs. Nitu Singh, Advocates
For the State	:	Mr. Md. Arif, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 28-02-2020

Heard learned counsel for the petitioners; learned APP for the State and learned counsel for the informant, who has *suo motu* appeared.

2. The petitioners apprehend arrest in connection with Danapur PS Case No. 216 of 2019 dated 16.03.2019 instituted under Sections 341, 323, 406, 420, 467, 468, 505 and 504/34 of the Indian Penal Code.



3. The allegation against the petitioners is that in the company of which they are Directors, a plot was bought in the name of the son of the informant but later on, as possession could not be given, due to there being dispute of title, the informant was assured that another land would be given and was also shown a land. However, the informant was informed that the land shown to him for his son was being sold by the petitioners, to others, and when he arrived at the spot, he was abused and also physically assaulted. It is alleged that the petitioners had fraudulently taken money in the garb of giving built-up house, which they have not done.

4. Learned counsel for the petitioners submitted that initially both the wife and son of the informant were given plots but due to there being some dispute relating to title, on an alternative site, the wife of the petitioners has been given built-up duplex house for the amount which was deposited with regard to both the wife and son of the informant, without taking any extra money. It was submitted that only due to inadvertence, the fact was not incorporated that the money paid for the plot of the son of the informant was adjusted in the amount which was required to be paid for the plot and house in the name of the wife of the informant, the informant has lodged a false case. It was submitted



that the petitioners are ready to compensate the informant with regard to any money paid to them by the informant.

5. Learned APP submitted that there is serious allegation of fraud by the petitioners.

6. Learned counsel for the informant submitted that neither the land in the first transaction nor any land subsequently, till date, has been handed over to the son of the informant and thereafter, there has been highhandedness and also assault on him. It was further submitted that against the petitioners many cases are pending with regard to having committed fraud relating to promising houses/plots to simple citizens and after taking money, from them, they have not been given any plot, not only in the State of Bihar but also in the State of Jharkhand and elsewhere.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioners on anticipatory bail.

8. Accordingly, the application stands dismissed.

9. Before parting, Court would take note of the fact that the FIR, which is written in hand and portions of which are not fully legible, neither typed copy of the same was filed by the petitioner nor the stamp reporter has pointed out such defect. This



has caused serious impediment to the Court while considering the case on merits.

10. Accordingly, let Registrar General take appropriate action against the concerned person(s) after getting an enquiry done and fixing responsibility.

11. Office shall communicate the order to the Registrar General, forthwith, for compliance.

(Ahsanuddin Amanullah, J.)

P. Kumar

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