

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 6698 of 2020**

Arising Out of PS. Case No.-369 Year-2019 Thana- SARAIYA District- Muzaffarpur

1. USHA DEVI @ USHA KUMARI Wife of Raj Kishore Prasad Singh @ Raj Kishore Prasad Sinha Resident of Mohalla- Bibiganj Anandpur, P.S.- Sadar, District- Muzaffarpur.
2. Raj Kishore Prasad Singh @ Raj Kishore Prasad Sinha Son of Late Raghunath Prasad Singh Resident of Mohalla- Bibiganj Anandpur, P.S.- Sadar, District- Muzaffarpur.
3. Dhiraj Kumar @ Kumar Dhiraj Vajsyayana Son of Raj Kishore Prasad Singh @ Raj Kishore Prasad Sinha Resident of Mohalla- Bibiganj Anandpur, P.S.- Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Adv
For the Opposite Party/s : Mr. Rajesh Kumar APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

6 09-04-2021 Heard learned counsel for the parties.

The Petitioner seeks bail in Saraiya (Janitpur O.P.) P.S.
Case No. 369 of 2019 registered for the offence punishable
under Section 406 and 420 of the Indian Penal Code and Section
138 of the N.I. Act.

Informant in his written complaint has alleged that at
about 7:00 am on 05.06.2019, Dhiraj Kumar (petitioner no. 3)
alongwith with 3-4 unknown persons came to his house and



abused and threatened of dire consequences. He further disclosed that his mother (petitioner no. 1) Usha Devi took Rs. 13,40,000/- to execute sale deed with regard to her house but later on refused to execute sale deed. Consequently, Usha Devi gave a cheque bearing no. 583056, on 10.05.2019 for returning the above amount which was dishonoured by Bank on 13.05.2019 for which he sent a legal notice by his Advocate and due to which the accused persons namely Dhiraj Kumar (petitioner no. 3), Usha Devi (petitioner no.1) and Raj Kishore Prasad Singh (petitioner no. 2) threatened him with an intention to grab his money.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case due to animosity. Dispute is of civil nature and no criminal offence is made out.

Considering the fact that this case is of cheating and deceitfully keeping money and the petitioners (father, mother & son) by hatching conspiracy took huge amount from the Informant on the pretext of selling her house and later on refused to execute sale deed and deceitfully kept the entire money and cheque issued for refund of said amount was dishonoured by the bank, I am not inclined to enlarge the



petitioners on anticipatory bail.

Hence, the prayer for anticipatory bail of the
petitioners is hereby rejected.

(S. Kumar, J)

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