

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8298 of 2021

Arising Out of PS. Case No.-207 Year-2019 Thana- PARAIYA District- Gaya

MITHILESH KUMAR @ MITHILESH KUMAR SINGH Son of Late Bhola Singh Resident of Village - Koiri Bigha Kasthuya, P.S.- Paraiya, Distt.- Gaya.
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh
For the Opposite Party/s : Ms. Asha Devi, A.P.P.
For the Informant : Mr. Bhim Kumar Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 27-05-2021 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the informant through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Paraiya P.S. Case No. 207 of 2020 registered under sections 406, 420 and 34 of the Indian Penal Code and section 138 of the N.I. Act.

As per allegation in the F.I.R., the informant entered into an agreement with Dinesh Kumar Suman and paid Rs.4 lakhs at the time of agreement. It is stated that thereafter, he paid Rs. 8 lakhs, Rs.1 lakh, Rs.1 lakh and Rs.4 lakhs in cash and, thereafter, three cheques for Rs.3 lakhs, Rs.1.5 lakhs and Rs.1.5 lakhs in the name of Mithilesh Kumar Singh. A total payment of Rs. 24 lakhs was made. Dinesh Kumar Suman refused to



execute the sale deed nor was the amount returned. Some of the amount which was returned, the cheques thereof bounced.

It is submitted by learned counsel for the petitioner that the allegation as levelled against the petitioner in the F.I.R. are false and concocted. From perusal of the F.I.R. itself, it would transpire that even as per the informant's case, the agreement was entered into between the informant and Dinesh Kumar Suman and the petitioner has been falsely implicated in the case only for the reason that he happens to be the brother of Dinesh Kumar Suman. The petitioner is separate in mess from his brother and the cheques which was given in his name were returned to the informant. The petitioner is in custody since 11.2.2020 in a case which is one of purely civil dispute. He has no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that there is specific allegation against the petitioner that three cheques given in his name have not been returned. Clear case of cheating is made out against the petitioner also.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the



case, the nature of allegation in the F.I.R., the period in custody and grant of bail to co-accused Dinesh Kumar Suman vide order contained in Annexure 2 to the petition, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Paraiya P.S. Case No. 207 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Gaya.

(Partha Sarthy, J)

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