

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2687 of 2022

Arising Out of PS. Case No.-32 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

Ashok Kumar S/O Dinesh Prasad Resident Of Village- Bhedihari, P.S.-
Adapur, District- East Champaran At Present Koiriya Tola, Ward No.24, P.S.-
Raxaul, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pappu Prasad Son of Nagendra Sah Resident of Village- Dubaha, kalwari
Tola, P.S.- Darpa, District- East Champaran.

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 3500 of 2022

Arising Out of PS. Case No.-32 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

1. Rajesh Prasad S/O Dinesh Prasad Resident Of Village- Bhedihari, P.S.-
Adapur, District- East Champaran.
2. Dinesh Kumar S/O Rampur Prasad Resident Of Village- Chawal Bazar, P.S.-
Raxaul, District- East Champaran.
3. Sri Bhagwan @ Bhagwan Prasad @ Anand Sah Son Of Laxmi Sah Resident
Of Village- Koriya Tola, Ward No.24, P.S.- Raxaul, District- East
Champaran.
4. Radha Krishna Sah Son Of Laxmi Sah Resident Of Village- Koriya Tola,
Ward No.24, P.S.- Raxaul, District- East Champaran.
5. Amit Sah @ Pawan Sah Son Of Radha Krishna Sah Resident Of Village-
Bhedihari, P.S.- Adapur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pappu Prasad Son of Nagendra Sah Resident of Village- Dubaha, Kalwari
Tola, P.S.- Darpa, District- East Champaran.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 2687 of 2022)

For the Petitioner/s : Mr.Abbhishek Kumar

For the Opposite Party/s : Mr.Binod Kumar

(In CRIMINAL MISCELLANEOUS No. 3500 of 2022)

For the Petitioner/s : Mr.Abbhishek Kumar



For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 16-11-2022 Heard learned counsel for the petitioners, learned
counsel for the complainant and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 406, 420, 467, 468, 471, 120(B) of the Indian Penal Code.

The prosecution case in nutshell is that father and mother of the complainant had executed an agreement in the year 2016 and legal notice was sent by this petitioner on 9.9.2019 to which father and mother of the complainant replied on 21.09.2019 but the petitioner kept mum and did not reply. It is further alleged that the petitioner and other co-accused persons had surrounded the complainant and demanded Rs. Ten Lakhs as extortion and on refusal another co-accused Amit Shah snatched Rs. Ten thousands on the point of knife, from the complainant. The petitioner along with other accused persons with criminal conspiracy committed criminal breach of trust, cheated the complainant by making forged and fabricated document and grabbed his money.



It is submitted by learned counsel for the petitioners that petitioners are quite innocent and they have committed no offence, as alleged in the petition. It is also submitted that as per allegation mention in the petition, money transaction was made in Nepal but the complainant has not filed any case within Nepal territory and the said transaction was made four and half years ago and after lapse of such a long period the complainant has filed the present complaint with false and concocted allegations. Some documents have been filed on behlaf of the petitioner and it is submitted that father and mother of the complainant had executed an agreement on 24.8.2016 to sell their land. Out of which the petitioner had given advance amount but they had not executed sale deed and thereafter, the petitioners sent legal notice to parents of the complainant, but as yet parent from the complainant have neither returned money to this petitioner nor they have registered the said land. It is also submitted that the case is civil in nature. A statement is made in para 3 of the petition that petitioners have clean antecedent.

In the facts and circumstance of the case, let the



petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Raxaul, Motihari (East Champaran) in connection with trial No. 1589 of 2021, arising out of Complaint Case No. C-32 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

nirajkrs/-

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