

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17549 of 2021

Arising Out of PS. Case No.-254 Year-2020 Thana- PATLIPUTRA District- Patna

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1. SUNITA JAIPURIYAR W/o Manoj Kumar Jaipuriyar Resident of 37 BIDC Colony, Dr. Rameshwar Dayal Path, Boring Road, P.S.- S.K. Puri, Patna, District- Patna.
 2. Manoj Kumar Jaipuriyar S/o Suresh Chandra Prasad Resident of 37 BIDC Colony, Dr. Rameshwar Dayal Path, Boring Road, P.S.- S.K. Puri, Patna, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ritesh Kumar S/o Late Ramesh Kumar Resident of Saryug Niwas, Gosai Tola, P.S.- Patliputra, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Singh
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

10 05-05-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Patliputra P.S. Case no. 254 of 2020 instituted for the offence punishable under Sections 406 and 420 of the Indian Penal Code.

As per allegation in the FIR, on the pretext of constructing a multi storied building on petitioner's land, informant had entered into an oral agreement with them.



Informant had given a sum of Rs. 26,35,000/- (non refundable advance) to the petitioners with a condition that after completion of construction 45% share will go to the petitioners and 55% share will go to the informant/builder and, in the meantime, petitioners will handover the relevant documents regarding land in question but petitioners neither handed over a single chit of paper regarding the said land nor had they returned the received amount.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. During investigation, nothing has come against them. There is no documentary proof regarding agreement of construction work. Petitioners have no business concern with the informant in any manner and have not obtained any amount rather informant had business relation with the daughter of the petitioners and they have been falsely dragged in this case only because both the petitioners are parents of co-accused Ruchita Jaipuriyar.

It is further submitted by learned counsel for both the parties that matter has been settled between them. Petitioner has agreed to pay Rs. 26,35,000/- through different post dated cheques. In support of this version, learned counsel for the



petitioner filed a second supplementary affidavit where photocopies of seventeen cheques is annexed as Annexure 3 series.

Learned APP appearing for the State has opposed the prayer of bail and submitted that petitioners are accused in one more case i.e. Thane P.S. Case No. 0194/2021, which is disclosed in para 2 of the first supplementary affidavit.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Patliputra P.S. Case no. 254 of 2020, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-XII, Patna subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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