

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33511 of 2021

Arising Out of PS. Case No.-52 Year-2020 Thana- GOPALPUR District- Patna

RENU AZAD @ RENU Wife of Ajeet Azad, Resident of Village- Raima,
P.S.- Shaharghat, District- Madhubani, A/P- D-3/30, Ground Floor, Vasant
Kunj, P.S.- Vasant Kunj, District- South West Delhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35384 of 2021

Arising Out of PS. Case No.-52 Year-2020 Thana- GOPALPUR District- Patna

1. AJEET AZAD @ AJEET SON OF NAND KISHOR THAKUR, RESIDENT OF VILLAGE- RAIMA, P.S.- SHAHARGHA, DISTRICT- MADHUBANI, A/P- D-3/30, GROUND FLOOR, VASANT KUNJ, P.S. VASANT KUNJ
2. MANAB KUMAR SINGH @MANAB SON OF LATE PRABHASH CHANDRA SINGH, RESIDENT OF VILLAGE- DHORI, P.O.- RAJPUR, P.S.- BELHAR, DISTRICT- BANKA.
3. RAJIV KUMAR @RAJEEV SON OF NAND KISHORE THAKUR, RESIDENT OF VILLAGE- RAIMA, P.S.- SHAHARGHAT, DISTRICT- MADHUBANI, A/P A/48, JAGAT SHRI APARTMENT, KANKARBAGH, P.S.- KANKARBAGH, DISTRICT- PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 33511 of 2021)

For the Petitioner/s	:	Dr. Ranjeet Kumar Mr. Ayush Kumar Mr. Mohit Srivastava Mr. Kanishk Kaustabh Mr. Shikhar Mani
For the Opposite Party/s	:	Mr. Raj Kishore Singh Mr. Saurabh Bishwambhar

(In CRIMINAL MISCELLANEOUS No. 35384 of 2021)

For the Petitioner/s	:	Dr. Ranjeet Kumar Mr. Ayush Kumar Mr. Mohit Srivastava Mr. Kanishk Kaustabh Mr. Shikhar Mani
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh



Mr. Saurabh Bishwambhar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

8 20-07-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners and the learned counsel for the informant as well as the learned Additional Public Prosecutor for the State, Mr. Shailendra Kumar.

The petitioners apprehend their arrest in connection with Gopalpur P.S. Case No. 52 of 2020 registered for offence punishable under sections 406/420/34 of the Indian Penal Code.

As per allegation, the informant and petitioners' company Rukmani Buildtech Private Limited entered into an agreement. As per agreement, the company took the land belonging to the informant for constructing flats thereon. The informant came to know that the petitioners mortgaged some portion of that land to Andhra Bank, Patna and the informant also came to know that Andhra Bank has affixed the notice to auction that portion of land because the loan was not paid by the petitioners.

The learned counsel for the petitioners has submitted



that as per terms and conditions of the agreement, the land, which was mortgaged by the petitioners, was in the portion of share of the petitioners and this fact has been mentioned in paragraph 7 of the counter affidavit. He has submitted further that the petitioners challenged that notice sent by the Andhra Bank and it was cancelled by the appellate authority. He has also submitted that as per terms and conditions of the agreement, altogether 452 flats were to be constructed amongst which 400 flats have been constructed. A number of flats were sold by the petitioners and the informant also sold a number of flats, which fell in his share. The learned counsel for the petitioners assures that the entire construction works shall be completed within a period of one year.

The learned counsel for the informant opposes the prayer for bail and submits that the petitioners are involved in numbers of cases. There are so many allegations against the petitioners. RERA has also taken cognizance against the petitioners. As per terms and conditions, the entire construction was to be completed within three years and six months, which was expired in 2016, to which the learned counsel for the petitioner replies that the last agreement of the year was 2014 and the work was to be completed in the year 2018. The learned



counsel for the petitioners has also submitted that all those cases, except two cases, were lodged by the informant and his relative.

The main dispute appears to be relating to non-compliance of the terms and conditions mentioned in the agreement papers. The petitioners assured to complete the entire work within three and half years, i.e. till 2018, but the entire work has not been completed uptill now. The learned counsel for the petitioners has submitted that most of the work has already been completed and 400 flats have been constructed and he also assures that the **petitioners shall complete the entire work within a period of one year.**

Considering the above-mentioned facts and circumstances, **let the petitioners above-named**, in the event of their arrest or surrender, within four weeks from today, **be released on bail provisionally** on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with Gopalpur P.S. Case No. 52 of 2020, subject to condition as laid down under section 438(2) Cr. P.C. **If the entire work would not be completed within the assured period of one year, the bail bond of the petitioners shall**



be cancelled.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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