

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29126 of 2022

Arising Out of PS. Case No.-1166 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Digvijay Singh S/o Shree Dharendra Kumar Singh R/o Makhdumpur, Gate No.- 89, P.S.- Digha, Dist- Patna.
 2. Vishwajeet Singh S/o Shree Dharendra Kumar Singh Resident of Makhdumpur, Gate No.89, P.S.- Digha, District- Patna.
 3. Tejashwi Kush S/o Shree Dharendra Kumar Singh Resident of Makhdumpur, Gate No.89, P.S.- Digha, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunil Kumar Singh S/o- Late Girija Nandan Prasad Singh R/o- Makhdumpur, Gate No.-89, P.S.- Digha, Distt- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Roy, Advocate
For the Opposite Party/s	:	Mrs. Renu Kumari, A.P.P.
For the Informant	:	Mr. Mithilesh Kumar Upadhyay, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 06-12-2022 Heard learned counsel for the petitioners and learned counsel for the complainant as well as learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 386, 420, 467, 468, 471(i), 323, 324, 454, 120(B) of the Indian Penal Code and the learned Court below took cognizance under



Section 406/504 of the Indian Penal Code.

The allegation against the accused persons is that they have cheated the complainant of his share in returned TDS amount with interest i.e. about of Rs.87 lacs which was deducted from compensation amount which fraudulently kept by the accused petitioners and not giving share of complainant.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that as per allegation in the complaint petition, the complainant was the sharer of land in question which was acquired by the Government and after accusation of land in question, the Government has given compensation to the father of the petitioners and complainant of the present case, who is uncle of the petitioners. He further submits that it transpired from the complaint petition that as per agreement between the complainant and other co-sharers, the compensation amount was to be credited in the Account No.35039460283 of State Bank of India, Kurji Branch, Patna which is the joint account of the complainant Dharendra Kumar Singh (father of the petitioners), Vijay Nandan Prasad Singh and Sunil Kumar Singh (complainant) for that the petitioners have no concern and in



fact the complainant has received the compensation amount as per his share and the complainant is uncle of the petitioners and the present complaint petition has been filed only to harass the petitioners. He further submits that the TDS amount with interest i.e. about Rs.87 lacs deducted was refund by the Land Acquisition Office through the Canara Bank to the Income Tax Department which was refunded in the account of first holder of the joint account i.e. in the name of Dhirendra Kumar Singh (father of the petitioners) which exclusive stand in the name of Dhirendra Kumar Singh. He further submits that there is no evidence to show that the petitioners were involved in the alleged transaction and allegation as alleged in the complaint petition against the petitioners. He further submits that no doubt that the present case is totally civil nature for which the complainant and other co-sharer has filed the Money Suit No. 89 of 2019 which is pending in the Court of learned Sub-Judge-IX, Patna. He further submits that the occurrence has taken place on 03.03.2019 and the present complaint case has been filed on 17.03.2019 after delay of 14 days without any explanation of delay. He further submits that the petitioners have no role at all in the present occurrence and the present matter is civil dispute.



The counsel appearing on behalf of the complainant as well as learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioners and submits that the petitioner no.2 Vishwajeet Singh has connived in the present case deliberately mentioned in the ITR claim and CC Vouchers for conducting this fraudulent act and it shows that he was involved in the present case.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Complaint Case No. 1166(c) of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.



2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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