

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54460 of 2021

Arising Out of PS. Case No.-394 Year-2020 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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1. PANKAJ KUMAR Son of Ramjee Kewat Resident of Village- Dayalpur, P.S.- Chandi, District- Nalanda.
 2. Pradeep Kumar Son of Ramjee Kewat Resident of Village- Dayalpur, P.S.- Chandi, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manish Kumar No. 2, Advocate
For the Opposite Party/s	:	Mr.Rabindra Kumar, APP
For the Informant	:	Mr.Ravi Shankar Pankaj, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-07-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 394(C) of 2020 in which cognizance has been taken under Sections 406 and 420 of the Indian Penal Code.

Learned counsel for the petitioners submits that the complainant alleges that he had given Rs. 20 lacs to his sister for education of of her children (petitioners) and thereafter it is alleged that the complainant had a talk with his sister for purchasing 21 decimal of her land as detailed in the F.I.R. on which his sister made a demand of Rs. 21 lacs, accordingly on



10.12.2011, the complainant gave Rs. 20 lacs to his sister and documents were prepared and rest of the amount was to be paid by 06.12.2014. The complainant on several occasions requested his sister to execute the sale deed but his sister always avoided and when he realised that the sale deed would not be executed then he requested for returning his amount and came to know that his sister was trying to sell the land to some other person thus he went to her house for demanding money when the accused persons assaulted him by fists and slaps.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and they have been falsely implicated in the present case, it is submitted that petitioners are 40 years and 38 years old respectively as such the petitioners in 2011 would have been 30 years and 28 years old respectively as such it absolutely does not stand to reason that the complainant would have given money to his sister for education of her children who were 30 and 28 years of age respectively. It is further submitted that only to grab the land of the mother of the petitioners, the present false case has been instituted. Learned counsel submits that there was remedy available to the informant by way of filing a money suit for recovering the amount, if really he had loaned the same and criminal cases are not meant for settling civil disputes



Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners but are not able to meet the submissions of the learned counsel for the petitioners that the informant had remedy available in law for recovering the amount and criminal cases are not meant for settling civil disputes.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Complaint Case No. 394(C) of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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