

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9778 of 2021

Arising Out of PS. Case No.-678 Year-2019 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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SANTOSH KUMAR SAH SON OF OM PRAKASH SAH RESIDENT OF
WARD NO.19 JAMALPUR GOGRI POLICE STATION GOGRI DISTRICT-
KHAGARI

... .. Petitioner/s

Versus

1. The State of Bihar
2. JAI KISHUN SAH SONOF LATE SHIVNARAYAN SAH RESIDENT OF
WARD NO.6 LAHERIA BAZAR DALSINGHSARAI POLICE STATION
DALSINGHSARAI DISTRICT-SAMASTIPUR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Viveka Nandsingh
For the Opposite Party/s	:	Mr. APP
For O.P. No. 2	:	Mr. Manish Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

8 05-04-2022 Heard Mr. Viveka Nand Singh, the learned

counsel for the petitioner and Mr. Manish Kumar for the

complainant / opposite party no. 2. The State is

represented by the learned APP.

The petitioner seeks bail in anticipation of his

arrest in connection with Complaint Case No. 678C of



2019 in which cognizance has been taken under Section 406 of the Indian Penal Code.

The petitioner, who is the son-in-law of the opposite party no. 2 is alleged to have taken Rs. Nine Lakhs for transferring a plot of land to him but even after receiving the money, no land has been transferred to him. In fact, it has been alleged that an attempt was made by the petitioner to destroy the receipt of the payment of Rs. Nine Lakhs by him.

The learned counsel for the petitioner, however, has submitted that the accusation is absolutely false. True it is that the petitioner stands in a special relation of being a son-in-law to the O.P. No. 2 but with the death of his wife, the O.P. No. 2 has lost all interest him. In fact, it has been urged on behalf of the petitioner that 20 grams of gold belonging to the wife of the petitioner was kept in the safe custody of O.P. No. 2 and when the same was demanded by the petitioner, this case has been lodged.

The learned counsel for the petitioner has also drawn the attention of this Court to the station diary entry



which was made at his instance against O.P. No. 2 expressing apprehension that he might be made accused in a criminal case.

As opposed to the aforesaid contention, Mr. Manish Kumar, the learned Advocate for O.P. No. 2 submits that the torn receipt testifies to the correctness of the accusation made in the complaint petition. He further submits that after accepting the money, the petitioner has displayed most dishonest intention of not transferring the land to him.

Be that as it may, considering the nature of accusation and counter accusation as also the erstwhile relationship between the parties, which appears to have been strained with the death of the wife of the petitioner, the petitioner, above named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to



the satisfaction of learned Judicial Magistrate -1st Class,
Khagaria, in connection with Complaint Case No. 678C of
2019, subject to the condition laid down under Section
438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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