

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2431 of 2023

Arising Out of PS. Case No.-593 Year-2018 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. ASHA NAND JHA @ ASHANAND JHA S/o Late Harish Chandra Jha R/o Village- Simari, P.S.- Bishfi, Distt- Madhubani.
 2. Aabhash Jha @ Abhash Jha S/o Asha Nand Jha @ Ashanand Jha R/o Village- Simari, P.S.- Bishfi, Distt- Madhubani.
 3. Renu Jha W/o Asha Nand Jha @ Ashanand Jha R/o Village- Simari, P.S.- Bishfi, Distt- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjiv Kumar Thakur S/o Late Narayan Thakur R/o Village- Koilkha, P.S.- Rajnagar, Distt- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajau Kumar Thakur,Adv. Mrs.Vaishnavi Singh,Adv. Mr.Manish Kumar No.-13,Adv.
For the State	:	Mr.Raj Kishor Singh,APP
For the Opposite Party No.2	:	Mr.Manoj Kumar Jha,Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-05-2023 Heard the learned counsel for the

petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with C.R. Case No.593 (CIS) of 2018 registered for the offences punishable under Sections 420 and 406 of the Indian Penal Code.

The case of the complainant, in brief, is that he had entered into a deal with the petitioners to purchase a land ad-measuring 2 kathas for a



sum of Rs.50 lakh, out of which he had paid a sum of Rs. 20.50 lakhs in cash on 25.02.2018 to the petitioners no.1 and 2 and thereafter, a sum of Rs. 29.5 lakh was transferred in the bank account of the petitioner no.2, however the petitioners failed to execute the sale deed in question as also they refused to return back the sale consideration paid by the complainant to the petitioners.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that the petitioners have already returned a sum of Rs.23 lakh by way of bank transfer, which is not disputed by the learned counsel appearing for the opposite party no.2 i.e. the complainant, however, he submits that the balance amount of Rs. 06.5 lakh shall be deposited in the account of the complainant, in case this Court so directs, for the purposes of admitting the petitioners to the privilege of anticipatory bail.



Per contra, the learned A.P.P. for the State as also the learned counsel for the opposite party no. 2 have though vehemently opposed the prayer of the petitioners for grant of anticipatory bail, however the learned counsel for the complainant has submitted that the complainant be granted leave to recover the cash sum of Rs. 20.50 lakhs, paid to the petitioners, by taking recourse to the due process of law.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioners are ready to pay the balance amount of Rs.6.50 lakhs, out of the total sum of Rs. 29.50 lakhs, paid by the complainant to the petitioner no.2, by way of bank transfer, by depositing the same in the account of the complainant, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail, subject to the petitioners producing proof of



payment of the aforesaid sum of Rs.6.50 lakhs to the complainant, before the learned Court of Additional Chief Judicial Magistrate-IV, Madhubani within a period of six weeks from today.

Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Madhubani in connection with C.R. Case No. 593 (CIS) of 2018, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure and subject to the petitioners producing proof of payment of the aforesaid sum of Rs.6.50 lakhs to the complainant.

(Mohit Kumar Shah, J)

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