

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6477 of 2023

Arising Out of PS. Case No.-58 Year-2022 Thana- CHAKIA District- East Champaran

1. RITA SINHA W/O HEM NARAYAN PRASAD Resident of Mohalla Professor Colony, P.S.- Chakia, District- East Champaran.
2. SUBHAM KUMAR S/O HEM NARAYAN PRASAD Resident of Mohalla Professor Colony, P.S.- Chakia, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Singh, Senior Advocate
	:	Mr. Manish Kumar Singh, Advocate
	:	Ms. Akrity Aishwarya, Advocate
	:	Ms. Rashmi Jha, Advocate
For the Opposite Party/s	:	Dr. Indihar Kumari, Addl. Public Prosecutor
	:	Mr. Priyush Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioners and the State.

Petitioners apprehend their arrest in a case registered for the offence punishable under sections 409, 504, 506/34 of the Indian Penal Code.

It is alleged that three persons including these petitioners have taken money in the name of starting business. Subsequently, they have not started the business and neither



returned the money and nor ready to provide the land in lieu.

Learned counsel for the petitioners submits that prior to lodging this FIR on 19.06.2021 a complaint was filed by petitioner no. 1 with the Dy. S.P. for the necessary action against the informant. The local police, organized a panchayati and in that panchayati it was decided that the informant shall return the entire amount of Rs. 30 lacs to the petitioners. Considering the same, the informant has returned about Rs. 11 lacs. The present case has been filed only with a view to grab the refund of the rest of the money. It is next submitted that no offence under Section 409 of IPC is made out as it is the transaction between private individual. Petitioners have got no criminal antecedent.

Learned counsel for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioners, as named above, be enlarged on 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 Judicial Magistrate 1st Class Sadar, Motihari in connection with Chakia P.S. Case No. 58 of 2022 subject to the conditions



laid down under section 438(2) of the Code of Criminal
Procedure.

(Prabhat Kumar Singh, J)

Alok Verma/-

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