

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10328 of 2023

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

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DHIRENDRA KUMAR SINGH Son of Late Braj Nandan Prasad Singh
Resident of Makhdumpur, Gate No.- 89, Police Station - Digha, District -
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunil Kumar Singh Son of Late Girija Nandan Prasad Singh Resident of
Makhdumpur, Gate No.- 89, Police Station - Digha, District - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar, Advocate Mr. Rajesh Roy, Advocate
For the Opposite Party/s	:	Mr. Satya Nand Shukla, APP Mr. Mithilesh Kumar Upadhyay, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-04-2023 Heard learned counsel for the petitioner, learned

A.P.P. for the State as well as learned counsel for the

complainant

The petitioner apprehends his 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, in which, the learned Court below took cognizance under
Section 406/504 of the Indian Penal Code.

The allegation against this petitioner is that he
alongwith other co-accused persons cheated the complainant of
his share in the returned TDS amount with interest i.e. about



Rs. 87 lacs, deducted from compensation amount, which was fraudulently kept by the accused persons and not giving share of complainant. Petitioner and complainant are cousin brothers.

Learned counsel for the petitioner 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 petitioner and complainant of the present case. 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 petitioner, complainant and one Vijay Nandan Prasad Singh and in fact the complainant has received the compensation amount as per his share, but he has filed the present complaint petition only with a view to harass the petitioner. He further submits that the TDS amount with interest i.e. about Rs.87 lacs deducted was refunded 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 Dharendra Kumar Singh (i.e.



petitioner). He further submits that there is no doubt that the present case is totally civil in nature, for which, the complainant and other co-sharer has already filed a money suit, vide 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. It is lastly submitted that similarly situated co-accused persons (sons of petitioner) have already been granted anticipatory bail by a coordinate Bench of this Court, vide order dated 06.12.2022 passed in Cr.Misc. No. 29126 of 2022.

The counsel appearing on behalf of the complainant as well as learned A.P.P. for the State have vehemently opposed the prayer for anticipatory bail. It is submitted by learned counsel for the complainant that this petitioner, in connivance with other co-accused persons, deliberately kept huge amount of refund of TDS and refused to give share of the complainant.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail-bond of Rs. 10,000/- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Patna / concerned court 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. with further following two conditions:-

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the Court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J)

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