

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29192 of 2023

Arising Out of PS. Case No.-190 Year-2022 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

=====

Nalin Kumar Drolia Son Of Bhagwati Prasad Drolia R/O Sujaganj Jayram
Marwari Tola Lane, P.S.- Kotwali, District- Bhagalpur At Present Flat No. Of
Block 2, 1 Jubli Park Tollygunj, P.S.- Tollygunj Kolkata, West Bengal

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Dilip Kumar Sah Son Of Sh. Nand Kishore Sah R/O Village- Husainabad,
Ambai Road, P.S.- Mojahidpur, District- Bhagalpur, Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ashutosh Nath, Advocate Mr. Roushan Kumar, Advocate Ms. Pratiksha Mishra, Advocate
For the Opposite Party/s	:	Mr. Umesh Lal Verma, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. Let the defect(s), if any, as pointed out by the
office, be removed within a period of four weeks from today.

03. In the present case, the petitioner is apprehending
his arrest in connection with Criminal Complaint Case No. 190
of 2022 registered for the alleged offence under Sections 406,
420, 504, 506 of the Indian Penal Code.

04. As per prosecution case, the complainant alleged
that he entered into an oral agreement with the petitioner for
purchase of some land and transferred Rs. 10,00,000/- (Ten Lac)



in two separate transactions of Rs. 5,00,000/- (five lac) in the account of the petitioner. The allegation against the petitioner is that after taking the advance amount after entering into the agreement, he did not execute any sale deed in favour of the complainant and did not get the land registered in his name.

05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is having no criminal antecedent. The petitioner was disposing of his property and sold the land bearing *Khata* No. 8490, *Khesra* No. 4 (ग) and 4 (क) situated at Ward No. 44, District-Bhagalpur by executing 07 sale-deeds in the names of different persons and this complainant was witness on all 07 sale-deeds. Learned counsel further submits that, in fact, this complainant deposited the money in favour of the petitioner on behalf of one of the purchasers, as the complainant has been working as a property dealer, therefore, he was not having any agreement in his favour. There has been no agreement, either written or oral, between the parties. The complainant, in order to extort money from the petitioner, has lodged this false complaint case. Moreover, from the recital of the complaint petition, it is very much apparent that it is a case of civil dispute, which has been given colour of criminal breach



of trust. Learned counsel again reiterated that allegation of any oral agreement made by the complainant is completely false and fabricated. He was merely a broker in the land deals of the petitioner and he put his signature on all such sale-deeds in that capacity as a witness only. The petitioner is himself a victim of criminal conspiracy of the complainant and his associates.

06. Learned A.P.P. for the State opposes the prayer for bail.

07. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the civil nature of dispute between the parties and also considering the possibility of false implication, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class/concerned court, Bhagalpur, in connection with Complaint Case No. 190 of 2022, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

