

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33506 of 2023

Arising Out of PS. Case No.-367 Year-2021 Thana- CHANDI District- Nalanda

1. KUMAR HARENDRA LAL Suresh Prasad Resident at Village and Post-Madhopur, P.S.-Chandi, District- Nalanda.
2. Dolly Sinha wife of Kumar Harendra Lal Residence of Village and Post Madhopur, P.S. Chandi, District-Nalanda.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Pramod Kumar Pranav, Advocate
For the State	:	Mr. Jagdhar Prasad, APP
For the Informant	:	Mr. Umesh Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 05-12-2023 Heard learned counsel for the petitioners and learned A.P.P.

for the State assisted by learned counsel for the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406 and 420/34 of the Indian Penal Code.

3. Learned counsel for the informant filed a reply to this application in Court. Let it be kept on record.

4. The petitioners are said to have taken about Rs.19 lacs from the informant for registering a land in his favour but neither the land was registered in his favour nor the money was returned.

5. It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to land dispute. It is



further submitted that due to loss in business, the petitioners had taken a sum of Rs.6 lacs from the informant in the presence of ex-Mukhiya and one Anuj Kumar on interest on the security of the said land but the informant dishonestly and falsely included the amount of Rs.13,44,400/-. It is further submitted that moreover it is a civil dispute for which criminal prosecution has been launched. Petitioner no.1 has one criminal antecedent whereas petitioner no.2 has no criminal antecedent as mentioned in para-3 of this application.

6. Learned APP for the State assisted by learned counsel for the informant vehemently opposed the prayer for bail.

7. Having regard to the facts and circumstances of the case as well as the fact that the dispute *inter se* is purely a civil dispute, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Chandi P.S. Case No.367 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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