

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36975 of 2023

Arising Out of PS. Case No.-914 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Ajit Kumar, Son of Shri Ishwara Nand Singh, R/O-Bichli Gali, Danapur, P.S.-
Danapur, Distt.-Patna.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjiv Sharan, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-06-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in Complaint Case No.

914(C)/2022 where cognizance was taken against petitioner by

learned Judicial Magistrate for the offence under Sections 406,

420 and 34 of the Indian Penal Code.

The accused/petitioner is named in the Complaint

petition and is in custody since 22.02.2023.

The allegation against the petitioner is to execute an

agreement of Darbeyana in favour of complainant for a piece of

land as mentioned in the complaint petition no. 914(C)/2022,



where in furtherance of total Rs. 5 lacs was given to petitioner and co-accused Krishna Kumar Sinha. The mode of payment was Rs. 1 lacs in cash and Rs. Four lacs through three different cheques bearing cheque nos. 273220 for Rs. 1 lakh and cheque nos. 273221 & 273222 each for Rs. 1.5 lacs drawn on IDBI Bank, Danapur.

Learned counsel appearing on behalf of the petitioner submitted that from the narration of para- 6 of the complaint petition, though it is stated that cash and cheques were handed over to this petitioner but immediately as per the averments set of through para-7 of the complaint petition, it appears that the cheque nos. 273220, 273221 and 273222 total of Rs. 4 lacs were cleared and honoured to the account of co-accused Krishna Kumar Sinha, whereas there is no acknowledgment as to receive the cash of Rs. 1 lacs as alleged by this complainant given in cash. It is submitted that the entire transaction was with co-accused, namely, Krishna Kumar Sinha and as he ran away, the complainant assaulted this petitioner, for which petitioner lodged a case which was registered as Danapur P.S. Case No. 112 of 2021, subsequent thereof the complainant also lodged a criminal case against this petitioner which was registered as Danapur P.S. Case No. 566 of 2022 and present complaint case.



It is pointed out that the petitioner is on bail in said Danapur P.S. Case No. 566 of 2022. It is also pointed out that petitioner found involved in seven more criminal cases, where he is on bail. It is pointed out that the implication is arises out of disputes related with property dealing.

Learned APP, duly assisted by learned counsel Mr. Ghanshyam Tiwari appearing on behalf of complainant, while opposing the prayer of bail submitted that agreement of Darbeyana was executed with this petitioner, to whom the cash and cheques were handed over but he conceded that as per para- 7 of the present complaint petition, same was cleared and honoured with account of co-accused Krishna Kumar Sinha and not with this petitioner.

Considering the facts and circumstances as mentioned above as advance money in furtherance of agreement of Darbeyana were entirely credited to the account of co-accused Krishna Kumar Sinha, coupled with the fact as there is previous litigation between the parties arises out of property dealing, where petitioner is in custody since 22.02.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Complaint Case No. 914/2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned
Judicial Magistrate-1st Class, Danapur, Patna/concerned Court,
subject to the conditions as mentioned under Section 437(3) of
the Cr.P.C.

(Chandra Shekhar Jha, J)

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