

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35121 of 2023

Arising Out of PS. Case No.-144 Year-2023 Thana- PATRAKARNAGAR District- Patna

SANJEEV KUMAR Son of Late Ram Narayan Resident of Flat No.- 104,
Lochan Enclave Apartment, Near Sai Hospital, P.S.- Kankarbagh, District -
Patna (as per F.I.R. resident of Mohalla Patrakarnagar, 201 Hardev Bihar
Mulchand Path, P.S.- Patrakarnagar, District - Patna).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 37717 of 2023

Arising Out of PS. Case No.-144 Year-2023 Thana- PATRAKARNAGAR District- Patna

1. RAJEEV KUMAR SON OF LATE RAM NARAYAN RESIDENT OF
VILLAGE-PATRAKAR NAGAR, 201 HARDEV BIHAR MULCHAND
PATH, PS- PATRAKARNAGAR, DISTT- PATNA
2. VIVEK KUMAR SON OF LATE MANOJ KUMAR SINGH RESIDENT
OF VILLAGE-PATRAKAR NAGAR, 201 HARDEV BIHAR
MULCHAND PATH, PS- PATRAKARNAGAR, DISTT- PATNA
3. VIVEKANAND @ CHHOTU SON OF BIRENDRA SINGH @
BIRENDRA KUMAR SINGH RESIDENT OF VILLAGE- DEVKULI, PS-
BIHTA, DISTT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 35121 of 2023)

For the Petitioner/s : Mr. Sushil Kumar Jha

For the Opposite Party/s : Mr. Ram Sevak Choudhary

For the Informant : Mr. Majid Mahbob Khan

(In CRIMINAL MISCELLANEOUS No. 37717 of 2023)

For the Petitioner/s : Mr. Sushil Kumar Jha

For the Opposite Party/s : Mr. Murli Dhar

For the Informant : Mr. Majid Mahbob Khan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 05-12-2023

As both these bail applications have cropped up from



the same police station case number, hence, with consent of parties, they are being heard together and disposed of by this common order.

2. Heard learned counsel for the petitioners and the learned A.P.P. for the State assisted by learned counsel for the informant.

3. The petitioners apprehend their arrest in connection with Patrakarnagar P.S. Case No.144 of 2023 for the offences punishable under Sections 406, 341, 504 & 506 of the Indian Penal Code.

4. Petitioners are said to have taken Rs.28,50,000/- from the informant for selling a flat in his favour but, in spite of receiving the amount, the petitioners are neither executing the sale deed nor the money has been returned.

5. The petitioners are quite innocent and have been falsely implicated in this case due to previous grudge. The allegations levelled against the petitioners is general and omnibus in nature. It is further submitted that there is no instrument or proof as to how a huge sum of Rs.28.5 lacs was paid to the petitioners without any mode of payment. It is further submitted that the informant is a man of dubious character and such the petitioners and their family members are



living in threat. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

6. Per contra, learned APP for the State assisted by learned counsel for the informant vehemently opposing the bail petition submitted that the allegations levelled against the petitioners is serious in nature, hence they do not deserve anticipatory bail.

7. Considering the facts and circumstances of case and on perusal of the materials available on record, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected. However, if the petitioners surrender before the learned Court below within six weeks from today and seek regular bail the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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