

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38854 of 2023

Arising Out of PS. Case No.-392 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Mangal Prasad Kushwaha Son of Late Ram Pukar Prasad Resident of village - Lala Tola Laukhan Tola Mathiya Mahto, P.S.- Ghorasahan, District - East Champaran.
 2. Uday Jaiswal @ Uday Kumar Son of Late Nathuni Prasad Resident of village - Ghorasahan, P.S.- Ghorasahan, District - East Champaran.
 3. Amrendra Kumar @ Sanjay Singh Son of Late Rajdhari Singh Resident of village - Gahai, P.S.- Dhaka, District - East Champaran.
 4. Devendra Rai Son of Late Nandlal Rai Resident of village - Oraiya, P.S.- Dhaka, District - East Champaran.

... .. Petitioners

Versus

1. The State of Bihar
2. Manju Lal Wife of Pawan Kumar Lat Resident of village - Purnahiya, P.S.- Ghorasahan, District - East Champaran. At present - Flat No.- 402, Shiva Enclave, Near Jalan Shop, Kankarbag, Patna - 800020

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Md. Ataur Rahman, APP
For the Complainant	:	Mr. Pramod Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-09-2023 Heard learned counsel for the petitioners, learned counsel for the complainant and learned APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Complaint Case No. 392 of 2022 registered for the offences punishable under Sections 420, 468, 471, 504, 506 of the Indian Penal Code. Petitioner nos. 1 and 2 have got no criminal antecedent whereas petitioner no. 3 has got two criminal antecedents and petitioner no. 4 has got four



criminal antecedents.

3. As per the prosecution story, the complainant and these petitioners have entered into an agreement for sale/purchase of the land of the father-in-law of the complainant with consideration amount fixed at Rs.4,11,00,000/- and a panchnama was prepared between both the parties in which it was mentioned that the complainant received Rs.11,00,000/- as advance and rest of the amount will be paid between 15.03.2020 and 15.09.2020. Thereafter, Amarendra Kumar (petitioner no. 3) transferred 10,00,000/- in the bank account of the complainant. Thereafter, several reminders were made but the accused persons did not pay the rest consideration amount. The accused persons lodged an FIR vide Ghorasahan P.S. Case No. 252 of 2022 against the complainant and others after manipulating date of payment of the rest of the consideration amount in the Panchnama. It is alleged that when the complainant asked them about the manipulation, the accused persons surrounded her and petitioner no. 3 snatched her bag containing cash of Rs.55,000/- and threatened to kill her.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Petitioner nos. 1 and 2 have got no criminal antecedent.



5. Learned APP for the State and learned counsel for the complainant have opposed the prayer for anticipatory bail of the petitioners.

6. Having heard learned counsel for the petitioners, learned counsel for the complainant and learned APP for the State, it appears that earlier the petitioner no. 1 lodged a police case being Ghorasahan P.S. Case No. 252 of 2022 under Section 406 and 420 read with Section 34 IPC against Pawan Kumar Lat and others. Pawan Kumar Lat is the husband of the complainant of the present case and the complainant is herself an accused in the said police case.

7. It further appears from the records that when Pawan Kumar Lat and the complainant moved the court of learned District and Sessions Incharge, East Champaran at Motihari seeking pre-arrest bail, they agreed to pay a sum of Rs.21 lakhs to the informant. The petitioner no. 1 being the informant of the said case agreed to the same and on that ground, Pawan Kumar Lat and the complainant were granted pre-arrest bail.

8. It further appears that later on, they have changed their stand and present complaint petition has been filed in which the petitioners have been summoned.

9. In the aforementioned background, this Court



directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Complaint Case No. 392 of 2022 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 learned Judicial Magistrate, 1st Class, Raxaul, East Champaran at Motihari, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

10. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

11. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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