

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44307 of 2023

Arising Out of PS. Case No.-32 Year-2022 Thana- GOPALPUR District- Patna

1. Bipin Kumar @ Bipin Kumar Jha S/O Mateswar Thakur R/O Village-Barkapa, Ps. Kudhani, Dist. Muzaffarpur, At Present Residing At Bihar Colony, Bhutnath Road, Patna , P.S.- Kankarbagh, Dist.- Patna.
2. Anjali Kumari @ Anjali Kumar W/O Bipin Kumar Jha R/O Village-Barkapa, Ps. Kudhani, Dist. Muzaffarpur, At Present Residing At Bihar Colony, Bhutnath Road, Patna, P.S - Kankarbagh, Dist.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhu Nath Pathak

For the Opposite Party/s : Mr. Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 12-09-2023 Heard learned counsel for the petitioners, informant and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 420, 120B and 34 of the Indian Penal Code.

3. As per FIR, informant is said to have invested and transferred Rs. 32 lacs in the account of accused persons but accused left the business premises and refused to pay the aforesaid amount to the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that the petitioner no. 2 has been running a



registered proprietorship firm in the name and style of M/s A.B. Enterprises. The firm is manufacturing different types of packaging materials in brand name of Anjali Foil and Anjali Container and the same manufacturing unit has been running on the land of the informant on rent of Rs. 15,000/- per month. He further submits that petitioners were in need of a piece of land in nearby locality of their factory for their house and office and during the search, they contacted the informant. Informant told the petitioners that he had a good deal of purchasable land and the petitioners have trusted on the version of informant. Thereafter, petitioners have given several amount on different dates in cash as well through Bank transfer to the informant. Petitioners several times requested the informant to registered the land in the name of petitioner no. 2, as per his promise but every time they avoided to do so on one pretext or the other. Lastly, the petitioners requested the informant to return their money amounting to Rs. 23.21 lacs and after great persuasion, the informant has returned some amounts to the petitioners and in retaliation thereto this false and fabricated case has been lodged against the petitioners. He further submits that petitioner have no criminal antecedent as stated in para-3 of the bail application.



5. Learned APP for the State and learned counsel for the informant opposing the prayer for bail submit that the petitioners have committed serious offence. Learned counsel for the informant further submits that machinery and other articles of the company is in his possession and when the petitioners will return the amount then the same will be released.

6. Considering the facts and circumstances of the case and the fact that there is business dispute, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail 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 court below where the case is pending/successor court in connection with Gopalpur P.S. Case No. 32 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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