

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51085 of 2023**

Arising Out of PS. Case No.-64 Year-2023 Thana- KESARIA District- East Champaran

1. YOGENDRA SHARMA S/O LATE BAIDYANATH SHARMA R/O Village- Subaiya, P.S- Kesariya, Distt.- East Champaran.
2. Rahul Ranjan Kumar S/O Yogendra Sharma R/O Village- Subaiya, P.S- Kesariya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |   |                        |
|----------------------------|---|------------------------|
| For the Petitioner/s       | : | Mr. Anuj Kumar         |
|                            |   | Mr. Aditya Pandey      |
| For the Opposite Party/s : |   | Mr. Shantanu Kumar     |
|                            |   | Mr. Sanjay Kumar Singh |

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      25-08-2023                      Heard learned counsel for the petitioners, learned counsel for the informant as well as learned APP for the State.

2. The petitioners apprehends their arrest in a case registered for the offence punishable under Sections 420, 406 and 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that in the year 2015, the petitioner no.1 demanded Rs.15,00,000/- from the informant in order to invest it in business and also assured him that he will return the said money in installments within three years. The informant gave Rs.13,15,000/- to the petitioners but after lapse of said period of time, when the petitioners did not returned the money to the informant, he pressurized the petitioner to return



his money. The petitioner no.1 returned Rs.2,00,000/- to the informant. The petitioner Yogendra Sharma assured the informant that he will return rest of his money but later on failed to do so. It is further stated that the petitioner no.1 asked the informant to jointly purchase a land of one Daya Sagar Prasad, to which the informant got ready. The owner of the land gave power of attorney to a lawyer namely, Uday Shankar. The informant sent Rs.20,80,000/- and registration expenses in the bank account of Uday Shankar and two sale deeds were executed, one in the name of petitioner no.1 and the informant and the another in the name of their wives. When the informant met the said lawyer, he got to know that only Rs.17,00,000/- has been given to him as consideration amount. In this way the, the informant alleged that the petitioners grabbed Rs.15,23,000/- from him by way of cheating.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. There is no specific allegation against the petitioner no.2. There is an admitted land dispute between the parties and this is a case of civil dispute. Petitioner no.1 has one criminal antecedent



whereas petitioner no.2 has no criminal antecedent, which is mentioned in para-2 of the supplementary affidavit filed by the learned counsel for the petitioners.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case as this a case of civil and money 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 court below where the case is pending/Successor Court in connection with Kesariya P.S. Case No.64 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Anjani Kumar Sharan, J)**

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