

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48426 of 2019

Arising Out of PS. Case No.-585 Year-2017 Thana- KADAMKUAN District- Patna

1. RATNESH KISHORE SHARMA@RATENESH KISHORE SHARMA Son of Late Dhanesh Kishore Sharma Resident of Mohalla - Arya Kumar Road, P.S.- Kadamkuan, District - Patna
2. Bhupesh Kishore Sharma@BHUPESH KISHRE SHARMA Son of Late Dhanesh Kishore Sharma Resident of Mohalla - Arya Kumar Road, P.S.- Kadamkuan, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gouranga Chatterjee, Adv.
For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 27-03-2023 Heard the parties.

The petitioners apprehend their arrest in a case registered for the offence punishable u/s 406, 420, 34 of the IPC.

As per the prosecution case, the company of the informant entered into an agreement with the petitioners and others for development and construction of multi-storied building and paid Rs.5,00,000/- at the time of execution of the Agreement. The petitioners and others intimated that a partition suit is going on among them and if the court allots any other land then, then they would get delivery of possession of the same to the informant but the land has not yet been handed over to the company nor the amount of Rs.70,00,000/- has been



returned, which was spent on construction of boundary walls.

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 due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. It is submitted that there is an arbitration clause in the agreement between the parties. The allegation that the informant spent Rs.70,00,000/- for construction of boundary wall, earth filling and court case etc. are frivolous since the petitioners had not been allotted the land and therefore, no construction could have been made during the pendency of the suit. It is further submitted that there is a civil dispute between the parties. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail and learned counsel for the informant submits that he has no instruction in this case as the informant has already died.

Having regard to the facts and circumstances of the case, since there is a civil dispute between the parties, 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 Kadamkuan P.S. Case No.585 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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