

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47673 of 2023

Arising Out of PS. Case No.-826 Year-2022 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

1. NARENDRA CHAUDHARY @ NARENDRA KUMAR Son of Virendra Chaudhary Resident of village - Hasanchak Bangara, P.S. - Sadar, Distt. - Muzaffarpur
2. Rajesh Chaudhary @ Rajesh Kumar Chaudhary Son of Late Surendra Chaudhary Resident of village - Hasanchak Bangara, P.S. - Sadar, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. PN Shahi, Senior Advocate Mr. Madhukar Anand, Advocate
For the State for the informant	:	Mr. Pramod Kumar Pandey, Addl Public Prosecutor Mr. Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 11-10-2023 Heard learned counsel for the petitioners, the State and the informant.

2. The petitioners are apprehending arrest in connection with Sadar P.S. Case No. 826 of 2022 instituted under under Sections 406, 420, 387, 506, 504, 452/34 of the Indian Penal Code lodged on 10.12.2022 by the informant, Uday Shankar Prasad. As per the prosecution story for a piece of land (15.78 kathas) in the district of Muzaffarpur, an agreement was made for sale @ Rs, 18,50,000/-. Further, the admitted fact is that out of total amount 01,43,37,500/-, the informant received Rs. 1,07,50,000/- and it is his case that remaining Rs. 35,87,500/- was misappropriated by the petitioners and other



accused persons.

3. It is submitted on behalf of the petitioners that it is apparent from the FIR itself that the agreement which was executed on 13.12.2019, was made between the informant and co-accused Sudhir Kumar Choudhary. Petitioners have been roped in this case only because they are gotiya and business partner of said co-accused. Not a single penny has been paid to the petitioners. Co-accused Sudhir Kumar Chaudhary has also filed Money suit no. 30/2023 on 31.5.2023 against the informant for recovery of Rs.93,66,000/-. Co-accused Sudhir Kumar Choudhary has already been allowed pre-arrest bail by a co-ordinate bench of this Court vide order dated 4.8.2023, passed in Cr.Mis.No. 45126/2023.

4. Learned counsel for the State as well as the informant oppose the prayer for bail.

5. Considering the fact that co-accused Sudhir Kumar Choudhary has already been allowed privilege of pre-arrest bail by a bench of this Court and no amount has been received by these petitioners, prayer for bail of all the petitioners is allowed. In the event of arrest/surrender within six weeks from today, let these petitioners, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with



two sureties of the like amount each to the satisfaction of Chief
Judicial Magistrate, Muzaffarpur in Sadar Police Station Case
No. 826 of 2022, subject to the conditions laid down under
section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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