

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46149 of 2023

Arising Out of PS. Case No.-6998 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Poonam Sinha Wife Of Ram Kumar Sinha Resident Of Mohalla Road No.11, Ashok Nagar Kankarbagh, P.S Kankarbagh, District Patna
 2. Ram Kumar Sinha Son Of Late Vrindanvan Bihari Lal Resident Of Mohalla Road No.11, Ashok Nagar Kankarbagh, P.S Kankarbagh, District Patna

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. dilip kumar s/o late b.l chaudhary r/o village- 313 m.i.g., near shivaji park, ps. kankarbagh dist. patna

... .. Opposite Party/s

For the Petitioner/s	:	Mr.Ranjeet Patel, Advocate
For the Complainant	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr. Vijay Anand, Advocate
		Mr. Roop Kishan, Advocate
For the Opposite Party/s :		Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 07-11-2023 Heard learned counsel for the petitioners, learned counsel for the Complainant and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending his arrest in a case in connection with Complaint Case No. 6998 of 2021 dated 07.12.2021 registered for the offences punishable u/s 384 of the Indian Penal Code.

3. As per the prosecution case, the Complainant has taken Rs. 11,95,000/- by giving two post dated cheques as security and for executing two agreement in course of business. Subsequently, the Complainant returned Rs. 12,50,000/- to the



accused petitioners through cheques of amount Rs. 4,00,000/- and Rs. 8,50,000/- in cash by selling their land. But even after the payment of Rs. 12,50,000/-, the accused petitioners with dishonest intention are demanding Rs. 9 lakhs from the Complainant. The accused petitioners also have not returned the copy of the agreement and post dated cheques given by the Complainant as security and they have obtained his signature on plain paper. It is further stated that on 22.11.2021, the petitioners with some unknown persons came to the house of the Complainant and demanded money by threatening and abusing him.

4. Learned counsel for the petitioners have submitted that the petitioners have falsely been implicated in this case. It is further submitted that the Complainant was planning to open a Petrol Pump for which he has requested the petitioners to jointly do business and in profit, Complainant assured the petitioners to pay him 20% of the profit amount per month. On request of the Complainant, petitioners had given the Complainant Rs. 19 lakhs through different mode of payment to open a petrol pump. When the petitioners demanded their 19 lakhs rupees, then the Complainant returned only Rs. 4 lakhs and after repeated reminder the Complainant handed over 7 cheques to the petitioners amounting Rs. 11.40 lakhs and assured Rs. 3.60 lakhs would be paid in near future. When the Complainant deposited all the seven



cheques for encashment, then all the cheques were returned by the bank on the ground of insufficient funds. Thereafter, the petitioner no. 1 filed the Complaint Case No. 2621(C)/2022 against the Complainant and his wife. Therefore, it is submitted that the Complainant has lodged the present complaint case against the petitioners with intention to grab the money of the petitioners. The petitioners have no criminal antecedent as stated at para 3 of the bail petition.

5. Learned A.P.P. for the State and learned counsel for the Complainant have vehemently opposed the anticipatory bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Patna in connection with Complaint Case No. 6998 of 2021, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with further condition :-

- (i) The petitioners are directed to remain physically present before the learned Court below



on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of their bail bond.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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