

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54038 of 2023

Arising Out of PS. Case No.-725 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

-
1. Raju Prasad Singh S/O Late Sudarshan Prasad Singh Director Indrawati Infra-Structure Pvt. Ltd.
 2. Pitamber Kumar Shahi S/O Raju Prasad Singh
Both resident of Village- Akhtiyarpur, PS Bikram, Dist. Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rekha Sharma W/O Sri Mukesh Kumar Sharma R/O Village- Tarari, PS Tarari, Dist. Bhojpur- 802209

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar, Advocate
For the Complainant	:	Mr.Arun Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 13-12-2023 Heard Mr. Rajesh Kumar, learned counsel appearing on behalf of the petitioners; Mr. Arun Kumar Singh, learned counsel for the complainant and Mr. Ram Bilash Roy Raman, learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with Complaint Case No.725(C) of 2022, registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioners by deceiving that they are owner of an area of land appertaining to Khata No. 189, Plot No.210, situated in village Khagaul lock, assured the complainant that the said land is free from any defect and received an amount of Rs. 21,60,000/- from the complainant, out of which the petitioners have paid certain



amount to the complainant.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners have been implicated in a false case that they had allured the complainant by assuring that they will register the land appertaining to Khata No. 189, Plot No. 210 situated in village Khagaul lock whereas the said land was not free from encumbrance and it was government land. Petitioners are ready to return the entire amount, within a period of six months, in installments, which they have received from the complainant.

5. Mr. Arun Kumar Singh, learned counsel appearing on behalf of the complainant submitted that petitioners are fraud persons and he doubts their conduct, however, the petitioners are ready to return back the entire amount, which they have fraudulently received from the complainant.

6. Learned APP for the State submitted that it is a private transaction between the parties, however, it cannot be denied that petitioners have committed forgery not only with the complainant but with the State as well.

7. Having considered the rival submissions made on behalf of the parties, as well as, readiness of the petitioners to return back the entire amount within a period of six months,



which they have received in a fraudulent manner from the complainant, the petitioners are directed to be released on provisional **provisional bail** in connection with Complaint Case No. 725(c) of 2022, on such terms and conditions as laid down under Section 438(2) of the Cr.P.C. and the learned district court deems fit and proper.

8. The learned district court is further directed to confirm the provisional bail of the petitioners, if the petitioners produce acknowledgment that the complainant has received the entire amount and in case of failure, this order shall lose its force.

9. The court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no.3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no.3, this order will lose its force automatically.

10. With the above observation/direction, the present application stands disposed of.

(Purnendu Singh, J)

chn/-

U		T	
---	--	---	--

