

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54916 of 2023**

Arising Out of PS. Case No.-416 Year-2022 Thana- SAMASTIPUR
COMPLAINT CASE District- Samastipur

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1. AMIRI SAHNI SON OF DHANIK CHANDRA SAHNI RESIDENT OF VILLAGE NAUACHAK, P.S. SARAIKARANJAN, DISTRICT SAMASTIPUR
 2. Ganesh Sahni Son of Amiri Sahni RESIDENT OF VILLAGE NAUACHAK, P.S. SARAIKARANJAN, DISTRICT SAMASTIPUR
 3. Rupam Devi Wife of Ganesh Sahni RESIDENT OF VILLAGE NAUACHAK, P.S. SARAIKARANJAN, DISTRICT SAMASTIPUR

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Mamta Kumari Wife of Jawahar Kumar Ray RESIDENT OF VILLAGE NAUACHAK, P.S. SARAIKARANJAN, DISTRICT SAMASTIPUR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh

For the Opposite Party/s : Mr.Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-12-2023 Heard Mr. Pramod Kumar Singh, learned counsel for the petitioners and Mr. Pramod Kumar Pandey, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 416 of 2022 dated 31.03.2022 registered for the offence under Sections 406, 420, 467, 468, 506, 34 of the Indian Penal Code and cognizance has been taken under Sections 406 and 420 of the Indian Penal Code.

As per compliant petition, petitioners took consideration amount of Rs. 7,87,000/- from the complainant for



execution of sale deed for two kathas of land in favour of the complainant but they did not execute the sale deed and denied to return the amount in question.

Learned counsel appearing for the petitioner submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioners have not committed any offence. He further submits that from bare perusal of the complaint petition, it transpires that the complainant has not stated about the mode of payment that he has given money to the petitioners by cash or through the bank or any other mode rather mere a bald statement has been made by him that he paid Rs. 800000/- (approx) to the petitioners.

Learned A.P.P. for the State, on the other hand, has opposed the prayer for bail of the petitioners and submits that there is specific case of the complainant that he has given approx Rs.8 lakh to the petitioners against a piece of land.

Considering the facts and circumstances of the case, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, be released 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 learned Court below where the case is pending in



connection with Complaint Case No. 416 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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