

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55804 of 2022**

Arising Out of PS. Case No.-99 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

ROHIT PATEL S/O SHIVNATH CHAUDHARY @ SHRIRAMJI  
CHAUDHARY Resident of Village- Manki, P.S.- Bagengola, District- Buxar  
at present resident of Village- Mitralok Colony, P.S.- Buxar Muffasil, District-  
Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ravi Shankar Pathak, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      23-01-2023                      Heard the learned counsel for the  
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Buxar Muffasil P.S. Case No. 99 of 2022 registered for the offence punishable under Sections 467, 468, 469, 471, 420 and 406 of the Indian Penal Code.

The case of the prosecution, in brief, according to the informant, is that one Om Ravindra Kumar convinced her husband to purchase four kattha land at Buxar, Itarhi, Main Road, opposite Lalganj, for which a sum of rupees one lakh was given to the said Om Ravindra Kumar



and an agreement to sell was executed. It is also alleged that subsequently, a sum of Rs. 15,000,00/- was given to the said Om Ravindra Kumar, however, there is no proof with regard to the same, nonetheless, it has also been alleged that a cheque for a sum of Rs. 28,000/- was given to the co-accused person, namely, Kamlesh Kumar Yadav, apart from a cheque of Rs. 2,00,000/- having been given in the name of one Ravi Shankar and all the said sums have been alleged to have been misappropriated by the said co-accused persons, whereafter the co-accused persons had given post dated cheques to the informant/her husband, however, the same have all stood bounced. It appears that the petitioner was also present with the aforesaid co-accused person, namely, Om Ravindra Kumar when he had gone to convince the informant and her husband to purchase the land in question as also when a sum of Rs. 15,00,000/- was given to the said co-accused person, namely, Om Ravindra Kumar.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 01.08.2022. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in one another case but he is on bail in the said case. The learned counsel for the petitioner has also submitted that a bare perusal of the allegation levelled against the petitioner would show that firstly not a single penny was ever given to the petitioner either by the informant or her husband and secondly the dispute in question is purely in the nature of civil dispute and no criminal offence is made out.

Per contra, though the learned counsel for the State has vehemently opposed the prayer for bail but has not been able to point out any allegation having been levelled by the informant to the effect that any money was paid either by the informant or her husband to the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the



petitioner and taking into account the materials available on record, this Court finds that firstly not a single penny was ever given to the petitioner by the informant/her husband and secondly the accusation levelled by the informant in the present case is purely in the nature of civil dispute, hence I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Buxar in connection with Buxar Muffasil P.S. Case No. 99 of 2022.

**(Mohit Kumar Shah, J)**

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