

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57419 of 2022

Arising Out of PS. Case No.-1426 Year-2021 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

-
1. DAYA SHANKAR JHA SON OF LATE DINBANDHU JHA R/O VILLAGE- NEW COLONY, WARD NO. 8, ULAO, P.S.- MUFASSIL, DISTT.- BEGUSARAI
 2. SUDHA JHA WIFE OF DAYA SHANKAR JHA R/O VILLAGE- NEW COLONY, WARD NO. 8, ULAO, P.S.- MUFASSIL, DISTT.- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Md. Fahimuddin, Adv.
For the Opposite Party/s :	Mr.Narendra Kumar Singh, APP. Mr. Raj Dular Sah, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-08-2023 Heard the parties.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 420, 406, 120(B), 34 of the Indian Penal Code.

3(1). Allegedly, under conspiracy, petitioners along with other persons took an amount of Rs. 10,00,000/- from the complainant in advance and promised to perform registry of the said land after returning from his treatment. After sometime, when the complainant requested the petitioners to execute the sale deed, they made a new excuse to avoid the execution of the deed.



3(2). It is further alleged that after sometime, the complainant came to know that the said land has already been mortgaged to the Bank, therefore, the execution of sale deed of said land cannot be performed. Then, the complainant asked the petitioners to return the advanced amount, thereafter, petitioners issued two cheques amounting Rs. 3,00,000/- and Rs. 2,00,000/- in favour of the complainant, but both the cheques got bounced and thus, the amount could not be returned.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is civil dispute between the parties. There is no any relevant document to show that the complainant has given Rs. 10,00,000/- to the petitioners. The complainant has filed the present case with a view to grab the said land. Petitioners have one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the complainant opposed the prayer for bail and submitted that from perusal of record, it is evident that the petitioners have



given two cheques to the complainant with a view to return the advanced amount, but due to insufficiency, both the cheques got bounced. This fact shows that petitioners had taken the alleged amount in advance from the complainant and therefore, the allegations levelled against the petitioners were found to be true.

6. Having regard to the facts and circumstances of the case, as there is civil dispute between the parties, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Complaint Case No. 1426 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

divyanshi/-

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

