

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62768 of 2022

Arising Out of PS. Case No.-113 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. NAVIN MISHRA @ NAVIN KUMAR MISHRA Son of Raj Kumar Mishra
Resident of Mohalla- Jharkhand Commodity, Flat No- 1A, Sumitra Sadan,
Land Mark Budhnath Road, P.S. Adampur, District- Bhagalpur
 2. Suman Mishra W/O Navin Mishra Resident of Mohalla- Jharkhand
Commodity, Flat No- 1A, Sumitra Sadan, Land Mark Budhnath Road, P.S.
Adampur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ranjan Kumar Jha, Adv.
For the Opposite Party/s :	Mr.Anil Prasad Singh, APP.
	Mr. Manindra Kishore Singh, Adv.
	Mr. Mithilesh Kumar Singh. Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-01-2023 Heard the parties.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406, 420, 504, 506/34 of the Indian Penal Code.

Allegedly, petitioners took Rs. 27,00,000/- from the complainant to supply the sand but they did not supply the sand and also did not return the money of complainant.

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. They have been



falsely implicated in this case. The allegation levelled against the petitioners is false and baseless. It is further submitted that there is no involvement of petitioner no.2 in whole transaction. The only allegation against her is that she has threatened the complainant to implicate him in a case. It is further submitted that the sand could not be supplied to the complainant due to flood and sand was not dugged out from the river. He further submits that the petitioners are ready to comply the contract or to pay back the amount to the complainant in installment. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

On instructions of his client, learned counsel for the petitioners submits that the petitioners are ready to pay Rs.27,00,000/- (Rupees Twenty Seven Lakhs) as full and final settlement through bank draft. He further submits that at the time of furnishing the bail bonds they will pay Rs.5,00,000/- (Rupees Five Lakhs) to the complainant through bank draft and rest amount will be paid to the complainant within six months thereafter.

Learned counsel for the complainant has no objection to it.

Having regard to the facts and circumstances of the case,



let the above named petitioners, be released on **provisional 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 Court below where the case is pending/successor Court in connection with Complaint Case No. 113/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Learned Court below is directed to accept the provisional bail bond of the petitioners after certifying that Rs.5,00,000/- (Rupees Five Lakhs) has been paid to the complainant and confirm the provisional bail of the petitioners after certifying that petitioners paid all the dues amount i.e., Rs.22,00,000/- (Rupees Twenty Two Lakhs) after seven months.

(Anjani Kumar Sharan, J)

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