

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63527 of 2023

Arising Out of PS. Case No.-182 Year-2023 Thana- RAMNAGAR District- West Champaran

1. Smt. Abha Upadhayay Wife Of Vinod Upadhayay Resident Of Village- Churiharwa, Ps- Ramanagar, Distt- West Champaran
 2. Vinod Kumar Upadhayay @ Vinod Upadhayay Son Of Ritanand Upadhayay Resident Of Village- Churiharwa, Ps- Ramanagar, Distt- West Champaran
- Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Sanjay Parasmani, Advocate
For the Opposite Party/s	:	Ms. Renu Kumari, APP
For the Informant	:	Mr. U.C. Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Ramnagar P.S. Case No. 182 of 2023 registered for the offences punishable under Sections 419, 420 and 34 of the Indian Penal Code. They have got no criminal antecedent.

3. Learned counsel for the petitioners submits that the allegation against the petitioners is that they fraudulently got the power of attorney of the land of the informant.

4. Learned counsel for the petitioner submits with reference to the materials available on the record that the informant, namely, Neeraj Upadhayay and his brother Vinay



Upadhyay had earlier dealt with the land it would be evident from their email dated 10th of April, 2010 that they had agreed to sell the land for a sum of Rs. 75,000/- each. Accordingly, payment of Rs. 75,000/- were made in their respective account which would be evident from the pay in slip of State Bank of India dated 15.04.2010.

5. Learned counsel submits that both Vinay Upadhyay and Neeraj Upadhyay executed a general power of attorney and as they were busy persons living at Gurgaon in the State of Haryana, they executed a general power of attorney which was duly notarised and based on that the petitioner no.2 has executed gift in favour of his wife. At this stage, the informant seems to have become dishonest and is disputing the transaction.

6. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

7. Learned counsel for the informant has though opposed the prayer for anticipatory bail of the petitioners but is unable to controvert the emails and the execution of a general power of attorney wherein they had authorised the petitioner no.2 to admit, execute and present for registration any kind of deed. Learned counsel for the informant further submits that the money was given by the petitioners' side towards refund of loan amount.

8. Having regard to the nature of dispute and the



materials available on the record prima-facie showing the transaction which have been entered into between the parties long back, this Court directs that in case of their arrest or surrender within a period of six weeks from today, the petitioners above named be released on bail in connection with Ramnagar P.S. Case No. 182 of 2023 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 learned Sub-Divisional Judicial Magistrate, Bagaha, West Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. 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.

10. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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