

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61959 of 2022

Arising Out of PS. Case No.-38 Year-2022 Thana- CHANDI District- Nalanda

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1. Janardan Kumar, Son Of Kameshwar Prasad Resident Of Village - Juri, P.S.- Chandi, District - Nalanda.
 2. Tej Ranjan Prasad Sinha @ Tej Ranjan Prasad, Son Of Kameshwar Prasad Resident Of Village - Juri, P.S.- Chandi, District - Nalanda.

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Krishna Prasad, S/o Late Govind Lal, R/V-Madhopur, P.O.+P.S.- Chandi, District-Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha
For the Opposite Party/s : Mr.Rabindra Kumar- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-06-2023 Heard learned counsel for the petitioners and learned
APP for the State.

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

The learned counsel for the petitioners submits that
the petitioners are persons with clean antecedent and the
informant alleges that on 02.08.2015, Kameshwar Prasad along
with petitioner no.1 came to his house and said that they require
money for some necessary works and thus, requested the
informant to purchase his land pertaining to Khata No.30,
khesra No.28 area 3.1/8 decimal of land, on which the informant



became ready and the consideration amount fixed was Rs.8 Lacs. It is next alleged that on 20.11.2015, Rs.6 Lacs was given to the accused persons including the petitioners and thereafter, on 06.03.2017, again accused persons took Rs.6 Lacs from him on ground of ill-health, but did not register the land. Thereafter on 01.07.2019, another Rs.16,80,000/- was taken, but still the registry was not done, as such, it is alleged that altogether the accused persons including the petitioners siphoned of Rs.34,80,000/- of the informant.

The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted that initially, the allegation is of the Year 2015, but then the present case has been instituted in the Year 2022, even presuming what has been alleged is true, then the last transaction was in the Year 2019, still the F.I.R. came to be instituted three years thereafter. It is further submitted that from perusal of the allegation, it does not manifest that an amount of Rs.34,80,000/- was given by the informant to the petitioners, nor the allegation substantiate the same. It is next submitted that the informant has already filed a Title Suit No.72 of 2020 in the Court of learned Subordinate Judge, Nalanda at Biharsharif. It is further submitted that in the nature of allegation as alleged that



dispute is purely civil in nature.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Hilsa, Nalanda in connection with Chandi P. S. Case No.38 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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