

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.162 of 2023

Arising Out of PS. Case No.-255 Year-2020 Thana- BIRAUL District- Darbhanga

1. RAJKAPOOR SHARMA Son of Late Bisho Sharma R/V- North Kasraur Tole, Jirat P.S- ghanshyampur Dist- Darbhanga
2. Asha Devi Wife of Raj Kapoor Sharma R/V- North Kasraur Tole, Jirat P.S- ghanshyampur Dist- Darbhanga
3. Gulab Sharma Son of Ram Krishna Thakur @ Ram Krishna Sharma R/V- Lutbulpur P.s- Baheda, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar

For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 11-04-2023 Heard learned counsel for the petitioners, learned APP
for the State as well as learned counsel for the informant.

The petitioners apprehend their arrest in connection with Biraul P.S. Case No.255 of 2020, registered for the offences punishable under Sections 406, 420, 467, 468, 471 and 34 of the Indian Penal Code.

The prosecution case, in brief, is that petitioners agreed to sell land with house in favour of the informant on consideration money of Rs.22,00,000/-. The petitioners took Rs.4,00,000/- and it was agreed that rest sum of Rs.18,00,000/- shall be given at the time of registry and thereafter the petitioners took total Rs.20,61,000/- from the informant but they did not execute the sale deed of the land with house nor they returned money to the



informant.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the petitioners have got no criminal antecedent as stated in paragraph-3 of the bail petition. It is further submitted that petitioners took Rs.14,40,000/- through bank transfer and Rs.6,61,000/- cash from the informant, but they neither executed the sale deed nor returned the money to the informant.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for grant of anticipatory bail to the petitioners by submitting that there is specific allegation of breach of trust and cheating against the petitioners which finds support from the evidence of the witnesses mentioned in the case diary.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the prayer for grant of anticipatory bail to the petitioners is hereby rejected.

(Anjani Kumar Sharan, J)

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