

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9399 of 2024**

Arising Out of PS. Case No.-137 Year-2019 Thana- JEHANABAD COMPLAINT CASE  
District- Jehanabad

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1. Matavi Devi @ Mahtabiya Devi, aged about 60 years, Gender-Female, W/O Ramjatan Prasad, R/O Village- Saren, P.S. Makhdumpur, Dist. Jehanabad.
  2. Ramjatan Prasad, aged about 63 years, Gender-Male, S/O Late Dahu Mahto, R/O Village- Saren, P.S. Makhdumpur, Dist. Jehanabad.
  3. Rameshwar Kumar, aged about 42 years, Gender-Male, S/O Ramjatan Prasad, R/O Village- Saren, P.S. Makhdumpur, Dist. Jehanabad.

... .. Petitioners

Versus

1. The State of Bihar.
2. Ramuna Devi, aged about 45 years, Gender-Female, W/O Santosh Kumar, R/O Village- Ghorhat, P.S. and Dist. Jehanabad.

... .. Opposite Parties

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**Appearance :**

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| For the Petitioners | : | Mr. Nityanand Neeraj, Advocate |
| For the State       | : | Mr. Shailendra Kumar, A.P.P.   |

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

3      16-04-2024                      This matter has been listed under the heading “For Orders (on office notes)”.

2. Heard learned counsel for the petitioners, learned counsel for the opposite party no. 2 and learned A.P.P. for the State.

3. The petitioners are apprehending their arrest in connection with Complaint Case No. 137 of 2019 dated 19.02.2019 registered for the offences punishable under



Sections 120B, 420, 419, 467, 468, 471, 341, 323 and 504 of the I.P.C. in which cognizance has been taken for the offences punishable under Sections 420, 467, 468, 471 and 120B of the I.P.C.

4. As per the prosecution case, the complainant has purchased a double storied house bearing Khata No. 166, Plot No. 564/94 and area 1.5 decimal at village- Madarpur on 24.07.2015 for Rs. 18,67,000/- through registered sale deed from Matavi Devi (petitioner no. 1) and started residing in this house. It is further alleged that on 22.05.2018, a notice was pasted on the house by the S.B.I., Jehanabad and then she came to know that the said Matavi Devi @ Mahtabiya Devi (petitioner no. 1) and her son Rameshwar Kumar (petitioner no. 3) have taken loan of Rs. 8,29,325.65 and Mahtavi Devi (petitioner no. 1) is the guarantor. This fact was not disclosed to the complainant before execution of the sale deed of the said house. It is further alleged that the complainant asked the accused persons, on which, they assured to pay the said loan amount but the loan amount was not paid and ultimately on 11.02.2019, a pleader's notice was served but no reply was given by the accused persons and they committed forgery.

5. Learned counsel for the petitioners has submitted



that the petitioners are innocent and have falsely been implicated in this case. It is submitted by learned counsel for the petitioners that the matter has been settled between the petitioners and the Bank Manager on 10.07.2021 in National Lok Adalat, Jehanabad at the settled amount of Rs. 3,00,000/-. Out of which, Rs. 60,000/- was paid at the time of settlement and later on, Rs. 2,40,000/- was paid on 05.09.2021 and an Award has also been issued in favour of the petitioners. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail petition.

6. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have vehemently opposed the prayer for anticipatory bail of the petitioners by submitting that from perusal of Annexure-3 as well as the Award, it appears that the said settlement has been done between the S.B.I., Jehanabad and M/S. Nandini Automobile on 10.07.2021 bearing Loan Account No. 35981908573 and not against the loan amount Rs. 8,29,325.65 which was taken by the petitioner nos. 1 and 2 on the said house in question. No case number is mentioned in the Award and the total due amount is shown as more than Rs. 10,00,000/- lakhs. The said Award appears to be false and fabricated. The signature of the counsel is not made in the



Award. The offence under Section 420 of the I.P.C. is made out against the petitioners as the petitioners had intention to cheat the complainant from the very beginning of the formation of contract. The said amount was not paid in the aforesaid loan account mentioned in the Award. It is further submitted that the anticipatory bail application of the petitioners has already been rejected by the learned court below twice vide order dated 25.01.2020 passed in A.B.P. No. 1733 of 2019 and vide order dated 08.02.2021 passed in A.B.P. No. 1426 of 2020.

7. Considering the aforesaid facts and circumstances of the case as well as finding substance in the contention of learned counsel for the State, this Court is not inclined to grant anticipatory bail to the petitioners and the same is rejected with a direction to the petitioners to surrender before the learned court below within a period of six weeks from the date of receipt/production of a copy of this order and the learned court below may consider the prayer for regular bail of the petitioners in accordance with law and on its own merits without being prejudiced of the order of this Court in connection with Complaint Case No. 137 of 2019, pending in the court of learned J.M. F.C., Jehanabad.

8. Accordingly, the anticipatory bail application of



the petitioners stands rejected.

(Chandra Prakash Singh, J)

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