

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6920 of 2024

Arising Out of PS. Case No.-538 Year-2022 Thana- MALSALAMI District- Patna

Dina Nath Prasad @ Dina Nath, S/o Late Laxmi Narayan, R/o Mohallah -
Bhaisani Tola, P.S. - Malsalami, Patna City, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Advocate Mr. Praveen Kumar, Advocate Mr. Rohit Kumar, Advocate
For the Opposite Party/s :		Mr. Manoj Kumar, APP Mr. Rajeev Kumar, Advocate Mr. Kumar Navinam, Advocate Mr. Gautam Shah, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 2 17-02-2024 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.
2. The petitioner has preferred this application for
grant of regular bail in connection with Malsalami P.S. Case no.
538 of 2022 registered under sections 420, 406 and 34 of the
Indian Penal Code.
3. As per the prosecution case, the informant states
that inspite of his giving a sum of Rs.16.22 lacs to the wife of
the petitioner herein, now the sale deed is not being executed
inspite of the fact that the informant is ready and willing to pay
the balance consideration amount. It is the petitioner who along
with his wife have cheated the informant of the aforesaid



amount.

4. Learned counsel for the petitioner submits that from the allegations in the FIR itself it would be evident that transaction, if any, has taken place between the informant and the petitioner's wife. It is categorically denied that any amount was given by the informant to the petitioner's wife. The petitioner is in custody since 28.10.2023 and undertakes to cooperate in the case.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the petitioner is named in the FIR and there is direct allegation against him that through different transactions on different dates a total sum of Rs.16.22 lacs approx was paid by the informant to the wife of the petitioner herein. The informant has always been ready and willing to pay the balance amount. However, it is as a result of the intention of the petitioner along with his wife to cheat the informant that now neither the sale deed is being executed nor the amount being returned. The case has been found to be true by the police who have submitted charge-sheet in the case.

6. Having heard learned counsel for the parties and



taking into consideration the nature of allegation in the FIR, the petitioner being in custody since 28.10.2023 and not having any criminal antecedent, the petitioner is directed to be enlarged on bail in connection with Malsalami P.S. Case no.538 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Civil Court, Patna City, District-Patna.

(Partha Sarthy, J)

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