

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12803 of 2024

Arising Out of PS. Case No.-699 Year-2017 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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Ramdayal Singh @ Ram Dayal Singh S/O Sri Yamuna Singh R/O VILLAGE-
RAMPUR COLONY, WARD NO. 1, PO, PS AND DIST. BHABUA
(KAIMUR), STATE-BIHAR.

... .. Petitioner/s

Versus

1. The State of Bihar
2. SHASHI BHUSHAN TIWARY S/O LATE NARVDESHVAR TIWARY
PERMANENT R/O VILLAGE- BHABUA, WARD NO. 18, PO, PS AND
DIST. BHABUA, STATE- BIHAR.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Amit Narayan, Adv.
For the Opposite Party/s :	Mr. Bharat Bhushan, APP.
	Mr. Pawan Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 12-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 420 of the
Indian Penal Code and Section 138 of the N.I. Act.

3. The prosecution case, in brief, is that the complainant
and the petitioner entered into an agreement for sale of a piece
of land pertaining Khata No. 22, Plot No. 242, Area 56 decimal.
The complainant gave Rs. 41,00,000/- to the petitioner against
the total deed amount, but meanwhile he came to know that the
petitioner had already sold the said land to someone else.



Thereafter, the complainant started demanding his money back, as a result, the petitioner issued a cheque to him which was deposited by the complainant for encashment in his account held in SBI on 22.05.2017, but the same was returned unpaid due to insufficient balance. Thereafter the complainant has also sent a legal notice on 01.06.2017 to the petitioner, but the petitioner did not return his money as yet.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. He has falsely been implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. There is civil dispute between the parties. The instant complaint has been filed only with an intention to grab the properties of the petitioner. Consequently, on written information of the petitioner, Bhabhua P.S. Case No. 227/2019 has been filed against the complainant and others. It is further submitted that petitioner has two criminal antecedents as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the complainant opposes the prayer for bail. Learned counsel for the complainant submits that initially the petitioner cheated



the complainant for Rs. 41,00,000/- and later on when the instant complaint was lodged against him, he filed Bhabhua P.S. Case No. 227/2019 against the complainant with a mala fide intention after an inordinate and abnormal delay of two years without assigning any plausible and convincing reason for the said delay.

6. Having regard to the facts and circumstances of the case, since there is civil dispute between the parties, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Bhabhua (Kaimur) Complaint Case No. 699 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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