

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17509 of 2024

Arising Out of PS. Case No.-165 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. SHEELA DEVI @ SHILI W/O BHOLA MAHTO R/O VILLAGE-KHEKHARIYA, P.S- RAXAUL, DIST.- EAST CHAMPARAN.
 2. BHOLA MAHTO S/O LATE SATYA MAHTO R/O VILLAGE-KHEKHARIYA, P.S- RAXAUL, DIST.- EAST CHAMPARAN.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. LALBABU KUMAR S/O LATE SAKALSAH R/O VILLAGE-KHEKHARIYA, P.S- RAXAUL, DISTT.- EAST CHAMPARAN.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mrs. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 24-04-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Complaint Case No. C165 of 2022 for the offence registered under sections 420, 406 and 34 of the Indian Penal Code lodged on 10.06.2022 by the Complainant, Lalbabu Kumar.

3. As per the prosecution story, the complainant alleged that when he was in the house with brother Manoj Mahto, Munna Kumar and Bhola Mahto (petitioner no. 2) came to his door on 03.08.2018 and requested for providing Rs. 15-18



lakhs as they are in immediate need of it. The complainant refused to make payment at the first instance but the accused persons insisted that there is a building and land in the name of the elder brother's wife, Sheela Devi (petitioner no. 1) and they are ready to sell the land. Accordingly, an agreement was made for Rs. 16 lakhs after which Rs. 07,80,000/- was provided as an advance and agreement made between the parties. However, when the rest of the amount was arranged and the complainant wanted them to register the sale-deed, they flatly refused. Left with no option, the complaint.

4. Learned Counsel for the petitioners submit that they live in Bangalore and have no role to play in the said execution of agreement and/or the payment so made. Further, they do not have criminal antecedent.

5. Learned APP for the State has pointed out that a bare perusal of the complaint as also the S.A. would show that both the petitioners are the king pin of the entire cheating of Rs. 07,80,000/- because it was land of the petitioner no. 1, Sheela Devi which was to be executed in favour of the complainant and for which an agreement was made and payment for Rs. 7,80,000/- was also made.

6. Further, a perusal of the complaint would show that



both the petitioner were in the City of Patna when the said discussion/payment/agreement was/were made.

7. Taking into account the aforesaid facts, this is certainly a case of cheating made by the accused persons which include the two petitioners.

8. Both the petitioners are well advised to seek bail, the anticipatory bail application stands rejected.

(Rajiv Roy, J)

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