

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18320 of 2024**

Arising Out of PS. Case No.-419 Year-2022 Thana- SAMASTIPUR MUFFASIL District-  
Samastipur

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1. Ajay Sharma @ Ajay Kumar Sharma Son Of Late Dev Nandan Thakur  
Resident Of Village - Musapur, Police Station - Mufassil, District -  
Samastipur
  2. Rani Sharma @ Rani Devi Wife Of Ajay Sharma @ Ajay Kumar Sharma  
Resident Of Village - Musapur, Police Station - Mufassil, District -  
Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pramod Kumar Sah Son Of Late Ramchandra Sah Resident Of Mohalla -  
Kashipur Tajpur Road, Ward No.11, Samastipur, Police Station - Mufassil,  
District - Samastipur

... .. Opposite Party/s

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**Appearance :**

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|--------------------------|---|------------------------------------|
| For the Petitioner/s     | : | Mr. Ranjan Kumar, Advocate         |
| For the Informant        | : | Mr. Bijay Bhushan Prasad, Advocate |
| For the Opposite Party/s | : | Mr. Nawal Kishore Prasad, APP      |

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      02-04-2024                      Heard Mr. Ranjan Kumar, learned counsel for the  
  
petitioners, Mr. Bijay Bhushan Prasad, learned counsel appearing  
  
on behalf of the Informant and Mr. Nawal Kishore Prasad, learned  
  
APP for the State.

2. The petitioners are apprehending their arrest in  
connection with Mufassil P.S. Case No. 419 of 2022, F.I.R. dated  
21.09.2022 registered for the offences punishable under Sections  
406, 420/34 of the Indian Penal Code.

3. Prosecution case, in briefs, is that the informant  
had entered into an agreement for the sale of land and in



consideration thereof Rs. 6,00,000/- was transferred to the account of the petitioner namely Rani Sharma and Rs. 4,00,000/- was paid through cheque drawn on Vijaya Bank. Total Rs. 10,00,000/- was paid and sale deed was prepared on which the petitioners also put their signature and the same was to be presented in Registry Office for execution on 05.10.2020 but the petitioners did not turn up for execution of the deed.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. He further submits that in fact out of ten lakhs, the petitioners have returned Rs. 2,50,000/- to the informant and also returned Rs. 4,00,000/- by way of cash to the informant. He further submits that they intend to pay Rs. 3,50,000/- to the informant within a period of three months.

5. Learned counsel for the Informant submits that only Rs. 2,50,000/- was returned to the informant and petitioners are ready to pay Rs. 3,50,000/- to the informant and for the remaining amount of Rs. 4,00,000/- is depend upon the outcome of Mufassil P.S. Case No. 419 of 2022.

6. Learned APP for the State submits that the petitioners carry two more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioners have been acquitted from the charges levelled against them.



7. In view of the aforesaid, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. I, Samastipur in connection with Mufassil P.S. Case No. 419 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(i) The petitioners shall produce a demand draft of Rs. 1,75,000/- (One Lakh and Seventy Five Thousand) as a first instalment in favour of the informant, namely, Pramod Kumar Sah at the time of furnishing bail bonds and the learned Court below is directed to hand over the said demand draft to the informant or his representative and the rest amount of Rs. 1,75,000/- (One Lakh and Seventy Five Thousand) shall be paid as a second instalment to the informant within a period of two months from the date of the furnishing bail bonds and if the petitioners fail to pay Rs. 1,75,000/- within the aforesaid period, the informant shall be at liberty to move before the appropriate forum for cancellation of his bail bond.

(ii) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(iii) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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