

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18421 of 2024

Arising Out of PS. Case No.-283 Year-2017 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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1. Vikash Kumar S/o Shyam Mukhiya R/o vill - Barateni, P.S. -
Udakishunganj, Distt. - Madhepura
 2. Shyam Mukhiya S/o Late Parmeshwar Mukhiya R/o vill - Barateni, P.S. -
Udakishunganj, Distt. - Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Renu Kumari W/o Vinod Kumar Poddar R/o vill - Baijnathpur, P.S. -
Bihariganj, Distt. - Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

4 04-07-2024 1. Heard learned counsel for the petitioners, learned

A.P.P. for the State and learned counsel appearing on behalf of

the complainant.

2. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 420 and
406 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent and have been
falsely implicated in the instant case by the complainant. It is
further submitted that from bare perusal of the allegation as
alleged in the complaint, it would manifest that the same does
not inspire confidence rather a bald allegation has been made by



the complainant that the petitioners along with the accused persons had requested for 5 Kathas of land of the complainant for installing a tower on the rent of Rs.45,000/- per month and also demanded Rs.2 lakhs by way of security for installing the tower but the petitioners after obtaining Rs.2 lakhs from the complainant never installed the tower and gave one cheque of Rs.12,000/- to the complainant with an assurance that rest of the amount shall be sent to her at her house. Further, the cheque on presentation for encashment bounced.

4. Learned counsel for the petitioners submits no documentary evidence has been brought on record to even remotely suggest that petitioners had taken 5 Khatas of land of the complainant for installing a tower or Rs.2 lakhs. It is further submitted that though there is allegation of issuance of cheque of Rs.12,000/- but then cognizance has not been taken under Section 138 of the Negotiable Instrument Act which amply demonstrates that in order to give a serious colour to the case, the said bald allegation was alleged.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the complainant opposed the prayer for anticipatory bail of the petitioners but then are not in a position to rebut the submissions of the learned counsel for the



petitioners that except for bald allegation nothing has been brought on record to substantiate that the amount of Rs.2 lakhs was taken by the petitioners or tower was installed on the land of the complainant.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each 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 Complaint Case No. 283 of 2017, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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