

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25876 of 2023

Arising Out of PS. Case No.-459 Year-2021 Thana- AHYAPUR District- Muzaffarpur

1. Manju Devi, aged about 58 years, Gender-Female, W/o Raju Mandal, Resident of Village-Vishawabhar Patii, P.S.-Hathauri, District-Muzaffarpur.
2. Raju Mandal, aged about 60 years, Gender-Male, S/o Late Madni Mandal, Resident of Village-Vishawabhar Patii, P.S.-Hathauri, District-Muzaffarpur.

... .. Petitioners

Versus

1. The State of Bihar.
2. Dileep Kumar, S/o Jawahar Lal Rai, Resident of Village-Rasulpurwajid, P.S.-Aahiyapur, District-Muzaffarpur.

... .. Opposite Parties

with

CRIMINAL MISCELLANEOUS No. 28835 of 2023

Arising Out of PS. Case No.-459 Year-2021 Thana- AHYAPUR District- Muzaffarpur

1. Mukund Kumar, Gender-Male, aged about 20 years, S/O Raju Mandal, R/O Village- Vishawabhar Patti, P.S- Hathouri, Distt.- Muzaffarpur.
2. Rupesh Kumar, Gender-Male, aged about 25 years, S/O Raju Mandal, R/O Village- Vishawabhar Patti, P.S- Hathouri, Distt.- Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 25876 of 2023)

For the Petitioners : Mr. Alok Kumar Alok, Advocate
For the O.P. No. 2 : M/S. Suman Kumar Singh and Suresh Chandra
Giri, Advocates

For the State : Mrs. Rina Sinha, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 28835 of 2023)

For the Petitioners : Mr. Alok Kumar Alok, Advocate
For the State : Mr. Pranav Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 22-02-2024 Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within



a period of three weeks from today.

2. Heard learned counsel for the petitioners, learned counsel for the opposite party no. 2 and learned A.P.Ps. for the State.

3. The petitioners are apprehending their arrest in connection with Ahiyapur P.S. Case No. 459 of 2021 dated 14.07.2023 registered for the offences punishable under Sections 420, 406, 467, 468, 471, 341, 323, 379, 504 and 506/34 of the I.P.C.

4. As per the prosecution case, on 10.05.2020, the petitioners Manju Devi (herself), Raju Mandal (son), Mukund Kumar (son) and Rupesh Kumar (son) negotiated to sell a piece of land for Rs. 25,00,000/- and thereupon the informant gave Rs. 13,00,000/- as advance to the petitioner Manju Devi. He transferred the amount of Rs. 8,00,000/- from the account of his wife to the account of the petitioner Manju Devi, thereafter, he paid Rs. 4,00,000/- through the account of his friend's wife Nutan Kumari and when he verified the documents of the said land then he came to know that the said land was sold to one Dr. Ramjee Prasad then he demanded his money back on which the petitioner Manju Devi took one month time but she did not return. On 11.06.2020, he again demanded the said money from



the petitioner Manju Devi then the petitioners Manju Devi, Raju Mandal, Mukund Kumar and Rupesh Kumar abused and assaulted him with intention to kill and snatched Rs. 500/-. The petitioner Mukund Kumar took his gold Hanumani of Rs. 50,000/- and all the aforesaid persons deceived his Rs. 25,00,000/-.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. The petitioners Manju Devi and Raju Mandal never persuaded the opposite party no. 2 to purchase their land rather on the request of the opposite party no. 2, the petitioners became ready to sell their land in favour of the opposite party no. 2 on a consideration amount of Rs. 25,00,000/- but in lieu of that no agreement was prepared ever. But admittedly the opposite party no. 2 made a payment to the petitioner Manju Devi through R.T.G.S. The land in question was purchased by the petitioner Manju Devi from one Dahaur Shah, S/O Jangali Shah belonging to Khata No. 27, Khesra No. 101. In fact, Dr. Ramji Prasad purchased the said land from the grandsons of Mostt. Fulmat belonging to Khata No. 45, Khesra No. 101 and he wanted to purchase the land of the petitioner Manju Devi on a lesser rate, and as such, wrongly convinced the



opposite party no. 2 that he purchased the said land from the grandsons of Mostt. Fulmat and the petitioners Manju Devi and Raju Mandal cheated him. It is submitted that Mostt. Fulmat does not belong to the family of Jangali Shah and Prabhu Shah having different Khatiyan. It is further submitted that the petitioners Manju Devi and Raju Mandal never cheated the opposite party no. 2 and they are still ready to execute the sale deed in favour of the opposite party no. 2 on a consideration amount of Rs. 25,00,000/- or on the other way they are even ready to return the amount of Rs. 12,00,000/- (Rs. Twelve Lacs) to him as stated in paragraph no. 17 of the bail petition. Learned counsel for the petitioners Manju Devi and Raju Mandal has filed a supplementary affidavit. In paragraph no. 2 of the said supplementary affidavit, it has been stated that the petitioners are ready to refund the amount of Rs. 12,00,000/-(Rs. Twelve Lacs) in four equal installments from 21.02.2024 within six months. Moreover, the petitioners Manju Devi and Raju Mandal are ready to return Rs. 12,00,000 /-(Rs. Twelve Lacs) to the opposite party no. 2 as stated in paragraph no. 17 of their bail application. The petitioner Raju Mandal and the opposite party no. 2 Dileep Kumar are present in the Court. Out of Rs. 12,00,000/-, (Rs. Twelve Lacs), the petitioner Raju Mandal has



handed over a Cheque bearing No. 094857 dated 23.02.2024 issued by the Bank of India, Hathouri Branch, Muzaffarpur amounting to Rs. 3,00,000/- (Rs. Three Lacs) to the opposite party no. 2 Dileep Kumar in the Court in presence of their learned counsels and the petitioners Manju Devi and Raju Mandal undertake that the remaining amount Rs. 9,00,000/- (Rs. Nine Lacs) will be paid to the opposite party no. 2 within a period of six months through Demand Draft. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have accepted the contentions of the learned counsel for the petitioners.

7. Considering the aforesaid facts and circumstances of the case as well as the petitioner Raju Mandal has already paid Rs. 3,00,000/- (Rs. Three Lacs) through a cheque to the opposite party no. 2 in the Court and further undertakes that rest amount Rs. 9,00,000/- (Rs. Nine Lacs) will be paid to the opposite party no. 2 within a period of six months, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each



with two sureties of the like amount each to the satisfaction of learned C.J.M., Muzaffarpur, in connection with Ahiyapur P.S. Case No. 459 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. Both parties are directed to take steps for disposal of the case at the earliest as stated in the supplementary affidavit filed on behalf of the petitioners.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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