

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.25268 of 2024

Arising Out of PS. Case No.-233 Year-2020 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

1. Hindu Lal S/O Mewalal

2. Soni Rai W/O Hindu Lal

Both resident of Village Hirdaypur (Sarnath) P.S. Sarnath, District-Varanasi,
State Uttar Pradesh. Petitioner/s

Versus

1. The State of Bihar

2. Baby Devi W/O Tarkeshwar Singh, Resident of Village Bhabua Ward
No.01, P.S.Bhabua, District Kaimur. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarfraz Ahmad, Advocate

For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

5 20-11-2024 Heard learned counsel appearing on behalf of the

petitioners and the learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with

Complaint Case No.233 of 2020, registered for offences
punishable under Sections 120(B), 420, 406, 465, 467, 504,
509/34 of the Indian Penal Code, however, cognizance was
taken under Section 406, 417, 504 and 120(B)/34 of the Indian
Penal Code.

3. The complainant has filed a complaint petition
under Sections 406, 417, 504 and 120B/34 of the Indian Penal
Code alleging therein that she had deposited the required
amount in lieu of allotment of land, however, she was cheated
by the accused persons including the petitioners. The bail
application was heard first on 01.05.2024 and no interim
protection was granted to the petitioner, however, it appears
from order dated 01.10.2024 that in view of the interim
protection was granted to the petitioner, the same shall continue



until the anticipatory bail application is finally adjudicated by the Court.

4. Today, learned counsel appearing on behalf of the petitioner seeks time and the complainant has also not appeared through his learned counsel. It has been recorded in the impugned order by the learned district court that the manner in which the Company has committed offence only leads to cheat the government by misappropriating the public money.

5. Considering the nature of allegation and the observation made by the learned district court on merits, I do not find proper to interfere in any manner. However, the learned district court is directed to call for the duly certified audit report of the Chartered Accountant and the minutes of the Board of Directors of the Company, namely, Shie City Real Estate Pvt. Ltd., Varanasi for verifying the amount received from the complainant has been entered into the audit report and take steps to pass appropriate order in accordance with law.

6. The present bail application accordingly stands disposed of.

(Purnendu Singh, J)

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