

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27747 of 2024

Arising Out of PS. Case No.-864 Year-2023 Thana- ARA NAGAR District- Bhojpur

1. Madan Kumar Sinha Son of Late Rajiv Ranjan Prasad Resident of Village-Janki Lalan Enclave/Appartment, Flat No. 201, Abhiyantanagar, P.S. Rupaspur, District- Patna
2. Binod Kumar Sinha Son of Late Rajiv Ranjan Prasad Resident of Village-Manju Vatika Appartment, Flat No. 204, Gola Road, P.S.- Rupaspur, District- Patna
3. Manoj Kumar Sinha Son of Late Rajiv Ranjan Prasad Resident of Mishra Tola, Ward No. 22, Ara Town, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs.Rashmi Jha
For the Opposite Party/s	:	Mr.Satyendra Narayan Singh Mr.Makardhwaj Upadhyaya

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel for the informant.

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

3. It is alleged that one Brahmanand Prasad Srivastava entered into an agreement with the informant for execution of land on a consideration money of Rs. 12,50,000/- and Rs. 3,30,000/- respectively, out of which, informant transferred Rs. 1,00,000/- in the S.B.I. account of Brahmanand Prasad



Srivastava and Rs. 1,00,000/- in Corporation Bank account of his daughter namely Julie Srivastava, but in the meantime, Brahmanand Prasad Srivastava died and then his sons namely Nitish Kumar and Adarsh Kumar Srivastava received Rs. 3,50,000/- and Rs. 3,75,000/- in cash from the informant, but despite receiving consideration money, they did not execute the sale-deed in favour of the informant.

4. It is submitted on behalf of petitioners that petitioners have been falsely implicated in this case. In fact, they are simply victim of false implication. There is inordinate delay of about five years in lodging the present case. Moreover, from bare perusal of the F.I.R., it would be evident that there was an agreement between late Brahmanand Pd. Srivastava and the informant and consideration money was paid in account/cash to him or his sons or daughter and petitioners have been made accused merely because they happen to be witnesses to the said agreement. No consideration money was paid to either of the petitioners. Petitioners claim clean antecedent.

5. Learned A.P.P. for the State learned counsel for the informant vehemently opposed the bail petition.

6. Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of their



arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Town P.S. Case No. 864 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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