

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30219 of 2024

Arising Out of PS. Case No.-245 Year-2022 Thana- CHAKIA District- East Champaran

Ritesh Kumar Son of Nawal Kishore Thakur R/o - Ahiman Chapra,
Kalyanpur Distt. - East champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. SANJEEV KUMAR S/O SURENDRA PANDEY RESIDENT OF
VILLAGE BANGARI P.S. PIPRA KOTHI DISTT EAST CHAMPARAN
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-09-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 420, 406,
327, 504, 506 and 120(B) of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
from perusal of the office report dated 21.09.2024, it would
manifest that opposite party no. 2 has received the notice
personally.

4. Since opposite party no. 2 has received the notice
personally, hence, the notice is deemed to be validly served.

5. It is submitted that from perusal of the service
report, it would manifest that the notice was received by the



opposite party no. 2 on 02.09.2024 but still he chooses not to appear and contest.

6. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent.

7. The informant alleges that he along with his father-in-law runs a Rice Mill, hence, were in need of a land for constructing a godown, accordingly, his relative Ritesh Kumar (petitioner) who works in the Indian Bank along with his father Nawal Kishore Thakur and Ashutosh met him and showed him a piece of land pertaining to Khata No. 96, Khasra No. 7, area 13 Khatha and 10 Dhur at village Phulwariya and disclosed the rate as Rs.7,10,000/- per Katha but the informant showed his disinclination to purchase the land on account of his inability to make the payment in one go, hence, Nawal and Ritesh convinced him saying that the payment can be made in part and after the final payment is made, the land would be registered, accordingly, the informant became ready to purchase the land believing the father and son. Further, on direction of the father and son, the father-in-law (Shashi Kant) of the informant along with other relatives credited an amount of Rs.30 lakhs in the account of Ashutosh, the cousin (fufera brother) of Ritesh, thereafter an amount of Rs.50 lakhs in cash was given to Nawal



and Ritesh, accordingly, Ritesh on 13.04.2022 executed an agreement for sale. Further when informant went to meet Nawal and Ritesh with remaining Rs.16 lakhs, they started adopting dilly dallying attitude, thereafter informant came to know that they are planning to sell the land to some other persons at a higher rate as such the informant asked the accused to return his money back but the accused persons including the petitioner threatened that he will be murdered. It is next alleged that Nawal and petitioner called him on 12.06.2022 to return the amount to their house but when informant reached, he was assaulted by Nawal, petitioner and his brother Ram Kumar, thus, alleges that the accused persons cheated him of Rs.80 lakhs.

8. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that petitioner is an employee of the Indian Bank as such it does not appear probable that a person who is employed with the nationalized bank would indulge in such an activity where his service is at stake. It is next submitted that mere filing of a criminal case entails termination from bank service, as such, the petitioner could never have contemplated to commit such an occurrence and that too with his relatives but then it is submitted that the fact is



otherwise and the informant concealing the relevant fact instituted the instant FIR as such it appears that even after receiving notice chooses not to appear and contest. It is also submitted that informant does not mention the date on which Rs.50 lakhs was given to Nawal. It is further submitted that petitioner, informant and Ashutosh run a committee at Motihari and each members as per their roster withdrew the money from the account of the committee. It is next submitted that the informant from April, 2021 onwards sent an amount of Rs.30 lakhs in the account of Ashutosh and his family members from different accounts as detailed at para 9, thereafter Ashutosh also transferred an amount of Rs.27 lakhs in different account of the informant and his family members as detailed at para 10 from December, 2021 to March, 2022. It is also submitted that the amount which was credited by the informant in the account of Ashutosh was alleged in the FIR that the said amount has been credited in the account of Ashutosh on direction of the petitioner and his father but then the informant does not disclose that Rs.27 lakhs was returned by Ashutosh to the informant in different account numbers as detailed at para 10. It is further submitted that informant in February, 2022 withdrew the entire amount of Rs.60 lakhs from the account of the committee as



such the committee was closed. The said act of the informant was objected by the petitioner and Ashutosh which irked the informant as such he entered the house of the petitioner along with his goons and misbehaved with his father and forcefully got his signature on some blank paper for which a complaint case has been instituted. It is next submitted that even presuming what has been alleged is true without admitting then the informant has remedy of approaching the Court of competent jurisdiction for getting the sale deed with respect to the land executed if the agreement for sale is a genuine document or can file a money suit for recovering the amount if he is able to prove that Rs.50 lakhs in cash was given to Nawal. It is submitted at the cost of repetition that informant being aware that a false case has been instituted as such he despite receiving notice chooses not appear and contest the case.

9. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

10. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his 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) 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 Chakiya P.S. Case No. 245 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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