

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31758 of 2024

Arising Out of PS. Case No.-543 Year-2023 Thana- DEHRI TOWN District- Rohtas

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RAM KESHWAR SINGH SON OF LATE RAMPATI SINGH RESIDENT
OF VILLAGE - GANGAULI, P.S. - DALMIYANAGAR, DISTRICT -
ROHTAS

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. AJAY KUMAR SON OF LAL BIHARI GUPTA RESIDENT OF
MOHALLA - NEW SIDHAULI, P.O. AND P.S. - DALMIYANAGAR,
DISTRICT - ROHTAS

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Tripathy
For the Opposite Party/s : Mr. Raj Ballabh Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 22-10-2024

1. Heard learned Counsel for the petitioner, learned counsel
for the informant and learned Additional Public
Prosecutor for the State.
 2. This application, for grant of anticipatory bail, arises out
of Dehri Nagar (Dalmiyanagar O.P.) Police Station Case
No. 543 of 2023, disclosing offences under Sections
406/420 of the Indian Penal Code.
 3. The prosecution case, as per the First Information Report,
is that the petitioner, along with Rajiv Ranjan Singh and
Manoranjan Singh, came to jewelry shop of informant on
different dates and purchased gold ornaments on credit
for the purpose of his son's marriage and on the request of



the petitioner, the informant gave ornaments worth of Rs. 4.50 Lakh, against which, Rs. 2 Lakh was paid by the petitioner. Again, on 19.04.2022, the informant gave gold ornaments worth of Rs. 8,37,673/-, against which, Rs. 3,50,000/- was paid. Again on persuasion and credibility of the petitioner, the informant gave ornament worth of Rs. 4 Lakh to one Nand Kumar Singh, against which, Rs. 2.30 Lakh was paid. When the informant asked his due amount back, the petitioner assured him to transfer 32 decimal land to the informant, for which, the petitioner took Rs. 4,72,000/- in cash as consideration amount, but later refused to register the same. Upon which, the informant requested his money back, along with all dues, the petitioner threatened him of his life.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to oblique motive. The petitioner purchased gold ornament after paying entire amount from the informant's shop, who assured him that the ornaments was 715 HM and 916 HM. He next submits that the petitioner took Rs. 4 Lakh on credit from the informant, for which, a blank cheque and non-judicial stamp paper was handed over.



The dispute arose when the petitioner went to sell the purchased ornaments and he found that the purity of gold was 61.62% and 61.5% instead of 715 HM and 916 HM. Thereafter, the informant gave legal notice to the petitioner, to which, the petitioner replied mentioning the facts and circumstances. Afterwards, the petitioner informed about the cheating and forgery committed by the informant to the concerned police station. When the petitioner demanded his money back against the impure ornaments, which had already been returned by the petitioner to the informant, the informant cooked false story and filed the present First Information Report. After considerable delay of the occurrence, which per the allegation continued between 19.04.2019 to 25.01.2023, the present First Information Report has been lodged on 07.07.2023, i.e. after 41 days of the petitioner's complaint.

5. On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail of the petitioner and submits that the informant on persuasion and credibility of the petitioner, gave him and his partners gold ornaments on credit on different dates worth of Rs.



16.87 Lakh and odd amount, against which, only a sum of Rs. 7.80 Lakh has been paid. When the informant requested his outstanding dues back, the petitioner assured him to transfer a piece of land, for which also, the petitioner took Rs. 4,72,000/-, however, the sale deed has not been executed as yet. Again when the informant asked his money back, the petitioner threatened him and his family members of their lives.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the case arises out of business transaction between the parties and both the parties are having allegation and counter-allegation, I am inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, allowed.

8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Dehri (Rohtas), in connection with Dehri Nagar (Dalmiyanangar O.P.) Police Station Case No. 543



of 2023, subject to the condition laid down under Section
438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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