

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34303 of 2024**

Arising Out of PS. Case No.-60 Year-2023 Thana- RAMKRISHNANAGAR District- Patna

RAJ KUMAR SINGHANIYA SON OF RAM HARI MAHTO RESIDENT  
OF BADI PAHARI, P.S. - AGAMKUAN, DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

|                            |                           |
|----------------------------|---------------------------|
| For the Petitioner/s :     | Mr. Arvind Kumar, Adv.    |
| For the Opposite Party/s : | Mr. Abhay Kumar Roy, APP. |
|                            | Mr. Madhukar Anand, Adv.  |

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      12-11-2024              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 406, 420/34 of the Indian Penal Code and Section 138 of the N.I. Act.

3. The prosecution case, in brief, is that on 24.12.2018, the informant and the petitioner entered into an agreement for sale of a piece of land of area 4083, Tauzi No. 227, Khata No. 135, Survey Khesra No. 1287. The informant transferred Rs. 1,12,00,000/- in the account of Prince Property Dealers through RTGS and other modes of online transaction. But after sometime, the informant came to know that the petitioner executed registered deed of the same land in favour of one



Anamika Singh. Thereafter, the informant started demanding his money, but the petitioner assured him to give another piece of land, but later on he went back on his word and gave six cheques of Rs. 1,12,00,000/- in favour of the informant, but all the cheques were dishonoured due to insufficient amount. However, later on Rs. 22,00,000/- was returned through RTGS to the informant against the total deed amount, but thereafter on demand of the rest money, the informant was abused and threatened.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. He has falsely been implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. There is civil dispute between the parties. For the same underlying transaction, the informant had filed Complaint Case No. 482 of 2020 on 18.09.2020 which was dismissed on 22.03.2022 under Section 203 of the Cr.P.C. due to lack of supporting evidence. Thereafter the informant has also filed a Criminal Revision No. 220 of 2022 against the order dated 22.03.2022 which is pending in the learned Court below. Learned counsel further submits that the present case is



not maintainable as the proceedings under Section 138 of N.I. Act pertaining to the same cause of action and on the same ground are pending. It is further submitted that petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, since there is civil dispute between the parties and for the same offence, two cases were lodged, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Ara Ramkrishna Nagar P.S. Case No. 60 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

**(Anjani Kumar Sharan, J)**

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