

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34410 of 2024

Arising Out of PS. Case No.-362 Year-2023 Thana- GAYA MUFASIL District- Gaya

1. Arjun Malakar SON OF LATE DOMAN BHAGAT @ DOMAN MALI R/O VILLAGE- SALEMPUR, P.S.- MUFFASIL, DIST-Gaya
2. DILIP KUMAR S/O ARJUN MALAKAR R/O VILLAGE- SALEMPUR, P.S.- MUFFASIL, DIST-Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. UPENDRA PRASAD S/O KARU YADAV R/O VILLAGE- SALEMPUR, P.S.- MUFFASIL, DIST-Gaya

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45631 of 2024

Arising Out of PS. Case No.-362 Year-2023 Thana- GAYA MUFASIL District- Gaya

1. Suresh Malakar @ Suresh Bhagat Son of Late Doman Mali @ Doman Malakar Resident of Village- Salempur, P.S.-Muffasil, District- Gaya
2. Umesh Malakar Son of Late Doman Mali @ Doman Malakar Resident of Village- Salempur, P.S.-Muffasil, District- Gaya
3. Ram Pravesh Malakar @ Ram Pravesh Kumar Son of Late Doman Mali @ Doman Malakar Resident of Village- Salempur, P.S.-Muffasil, District- Gaya
4. Vijay Malakar Son Doman Mali @ Doman Malakar Resident of Village- Salempur, P.S.-Muffasil, District- Gaya
5. Sinku Malakar @ Sinku Kumar Son of Umesh Malakar @ Umesh Bhagat Resident of Village- Salempur, P.S.-Muffasil, District- Gaya
6. Binod Malakar @ Binod Kumar Son of Late Doman Mali @ Doman Malakar Resident of Village- Salempur, P.S.-Muffasil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 34410 of 2024)

For the Petitioner/s : Mr.Brijmohan Das

For the Opposite Party/s : Mr.Jai Narain Thakur

(In CRIMINAL MISCELLANEOUS No. 45631 of 2024)

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 25-09-2024 1. Since both these anticipatory bail applications arise out of



the same case, with the consent of the parties, both are heard together and are being disposed by this common order.

2. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State, in both the cases.
3. These applications, for grant of anticipatory bail, arise out of Gaya Muffasil Police Station Case No. 362 of 2023, dated 26.03.2023, disclosing offences punishable under Sections 406/420/120-B/34 of the Indian Penal Code.
4. The prosecution case, as per the First Information Report lodged by Upendra Prasad, is that an agreement for sale of a piece of land, situated at village Salempur, having khata no. 8, plot no. 156, area 08 decimals, was entered into by him with petitioners for a total consideration amount of Rs. 43,00,000/-. The land was standing in the name of Late Doman Mali. The informant paid Rs. 10,00,000/-, as part of the consideration amount, to petitioner Arjun Malakar, Rs. 17,55,500/- to the petitioner Dilip Kumar, in cash on different dates and Rs. 52,000/- through cheque to petitioner Sinku Malakar and accordingly, total amount of Rs. 28,07,500/- was paid by



the informant towards the price of the land in question. However, the accused persons transferred the land in favour of some other persons and when legal notice was served upon the accused persons by the informant, a sum of Rs. 52,000/- has been returned to him through cheque and phone pay.

5. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case in order to grab the land in question. There is no agreement and proof of payment brought on record by the informant showing that the money was transferred to the petitioners and others against the consideration amount of the land in question. The petitioner, Sinku Kumar, to whom Rs. 52,000/- was given by the informant by cheque, has been returned by him. There is no proof of payment in favour of the petitioners except the said amount of Rs. 52,000/-, which has already been returned as per the First Information Report itself. The land was sold in the year 2016 in favour of one Mukesh Kumar Verma and others, but the present First Information Report has been filed after many years, in the year 2023.
6. Regards being had to the submissions advanced on behalf



of the parties and taking into consideration the sale deed of the part of the subject land sold in the year 2016 and the fact that a sum of Rs. 52,000/-, which was paid by the informant through cheque, has been returned by the petitioners, Binod Malakar and Sinku Kumar, I am inclined to grant the petitioners privilege of anticipatory bail.

- 7. These applications are, accordingly, allowed.
- 8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released 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, Gaya, in connection with Gaya Muffasil Police Station Case No. 362 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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