

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36181 of 2023

Arising Out of PS. Case No.-417 Year-2022 Thana- BUDDHACOLONY District- Patna

1. Shivendra Kumar Mishra Son Of Harendra Kumar Mishra @ Harendra Mishra Resident Of Village- Shashtrinagar, Laluchak (ANGARI), Ps- Lodipur, Distt- Bhagalpur
2. Satyendra Kumar Mishra Son Of Harendra Kumar Mishra @ Harendra Mishra Resident Of Village- Shashtrinagar, Laluchak (ANGARI), Ps- Lodipur, Distt- Bhagalpur
3. Harendra Kumar Mishra @ Harendra Mishra Son Of Late Prahalad Mishra Resident Of Village- Shashtrinagar, Laluchak (ANGARI), Ps- Lodipur, Distt- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Dhananjay Kumar Pandey, Sr. Adv.
For the Opposite Party/s :	Mr. Ram Bilash Roy Raman, APP
For the Informant :	Ms. Renu Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-11-2024 Heard learned counsel for the petitioners, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406, 420 and 120B of the Indian Penal Code.

3. As per the F.I.R., the allegation against the petitioners is that they have taken consideration money of Rs. 16 Lakhs for purchasing a piece of land in NCR Delhi but when they asked to execute the sale deed, they took time and lastly they denied to do so.



4. It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. They have been falsely implicated in this case. He next submitted that petitioners and informant are close relatives. Petitioner no.1 and the daughter of the informant had solemnized marriage on 21.11.2021. It is further submitted that two cheques worth Rs. 16 Lakhs were given from the informant to petitioners side in the month of September 2021 and money get transferred in account on 03.11.2021 and thereafter on 18.11.2021 jewellery was purchased for informant's daughter by way of annexure-2 of the bail petition. He further submits that it is pure civil dispute between the parties. Petitioner no. 1 and 2 have one criminal antecedent and petitioner no. 3 has two criminal antecedent as mentioned in para-3 of this application.

5. Learned counsel for the State as well as learned counsel for the informant opposed the bail application of the petitioners and submits that earlier petitioners have moved before this Court for quashing the F.I.R. by filing a Criminal Writ but the reasoned order of quashing was dismissed by a Co-ordinate Bench of this Court disclosed in the counter affidavit filed on behalf of the informant.



6. Having regard to the facts and circumstances of the case, on perusal of the record there is no specific overt act against the petitioners, let the above named petitioners, be released on bail, in the event of their 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 Buddha Colony P.S. Case No. 417 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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