

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38551 of 2024

Arising Out of PS. Case No.-288 Year-2023 Thana- FATUA District- Patna

Binda Ray @ Binda Rai Son Of Raghunandan Ray R/O- Vill-Bairiya, Police Station-Gopalpur, Dist-Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ranju Devi W/O -Shashi Bhushan Vill-Govindpur, Police Station-Fatuha, Dist-Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Adv.

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 05-08-2024 Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner apprehends his arrest in connection with Fatuha P.S. Case No. 288 of 2023 registered under Sections 406, 420 and 34 of the Indian Penal Code.

3. As per F.I.R., petitioner along with other accused persons entered into an agreement with the Opposite Party No. 2/informant to sell property. Pursuant to the agreement, the accused persons received Rs. 16,50,000/- from informant as consideration money. Despite receiving the consideration money, the accused persons did not execute the land in favour of informant and also failed to return the same.

4. Learned counsel appearing on behalf of the petitioner



submits that petitioner is innocent and has falsely been implicated in the present case. Further submission is that informant earlier filed a Complaint Case No. 504 of 2022 against the petitioner and his family members with respect to same occurrence with similar allegation, in which they are on bail, and again informant filed the instant case against the petitioner and his family members for the same occurrence. It is next submitted that the dispute involved in this case is with regard to sale and purchase of land between the parties which is purely civil in nature. Even if the allegation are accepted to be true, petitioner cannot be said to have committed any offence of cheating or criminal breach of trust.

5. Learned counsel for the informant opposed the bail application and contended that this petitioner cheated the informant and grabbed the huge consideration money.

6. Having considered the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-I, Patna City, Patna in connection with Fatuha P.S.



Case No. 288 of 2023, subject to the conditions as laid down
under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Singh, J)

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