

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40905 of 2024

Arising Out of PS. Case No.-223 Year-2022 Thana- RAXAUL District- East Champaran

1. Raju Singh S/O Ajay Singh R/O VILLAGE- LAUKARIYA, P.S.- PALANWA, DIST - EAST CHAMPARAN
2. AJAY SINGH S/O LATE CHANAR SINGH R/O VILLAGE- LAUKARIYA, P.S.- PALANWA, DIST - EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhurendra Kumar , Advocate
For the Opposite Party/s	:	Mr. Umeshanand Pandit , APP
For the informant	:	Mr. Abhishek Kumar , Advocate
		Ms. Rashmi Jha, Advocate
		Mr. Sharad Kumar Verma, Advocate
		Mr. Sagar Kumar , Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 23-09-2024 Heard learned counsel for the petitioners,
informant and the State .

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 420, 406 and 34 of the Indian Penal Code .

3 . The prosecution case, in brief, is that informant who is running a firm, in the name of M/s Enterprises, Raxaul, was in search of land for the construction construction of the godown, for which petitioners, who are employee of the informant, offered to sell their land at the cost of Rs. 15,00,000/- per Katha, and ultimately the same was accepted by informant,



and for 3½ Katha land, informant paid Rs. 48,55,000/- out of which Rs. 20,55,000/- by way of a check and Rs. 28,00,000/- cash paid to petitioner No. 2. The informant further alleged that after taking advance money, these petitioners refused to execute the sale deed, and also informant received information that the petitioners have already sold the land in the year 2020.

4. It is submitted on behalf of these petitioners that petitioners are innocent and have falsely been implicated in the present case only with malafide intention and ulterior motives. As a matter of fact, the informant is running a business of money lending, and petitioner No. 1 is engaged as a collection agent on a fixed salary, and on account of which, informant deposited or issued some checks in their favor. The name of the petitioner no. 2 dragged in the present case only because he happens to be the father of petitioner no. 1. It is further submitted that there is no land in the name of these petitioners at Laukariya Bajrang Chowk, and these petitioners have never entered into any sale agreement with informant and have not received any amount. Moreover, the dispute involved in this case is purely of civil in nature and none of the acts allegedly committed by the petitioner would give rise to any criminal



liability. It is out-and-out a civil dispute, for which, informant has got alternative remedy before the Court below . Petitioners claim clean antecedent.

5 . Learned counsel for the State as well as informant opposed the bail petition .

6 Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within eight weeks from today, let the petitioners, as named above, be enlarged 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 the learned Sub Divisioal Judicial Magistrate Raxaul East Champaran at Motihari in connection with Raxaul P.S. Case No. 223 of 2022 , G. R Case No. 469 of 2022 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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