

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45896 of 2024

Arising Out of PS. Case No.-179 Year-2018 Thana- SHRIKRISHNAPURI District- Patna

1. Lalan Prasad @ Lalan Paswan S/o Late Mahendra Prasad R/o Kasturba Path, Boring Road, Gandhi Nagar, House No. A/5, North S.K. Puri, P.S. - S.K. Puri, Distt. - Patna
2. Radha Krishna S/o Lalan Prasad R/o Kasturba Path, Boring Road, Gandhi Nagar, House No. A/5, North S.K. Puri, P.S. - S.K. Puri, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vinay Ranjan, Advocate Mr. Praveen Kumar , Advocate Mr. Prashant Shekhar , Advocate
For the Opposite Party/s :		Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

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

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 406, 420, 467, 468 and 471 of the Indian Penal Code .

3 . As per the prosecution case, the informant is operating M/S. P.A. Construction situated at House No. 2 Krishnapuri, Patna, and he is one of the partners of this construction company. It is further alleged that informant met with these petitioners, Radha Krishan and Lalan Paswan, and an



agreement was executed on 23.01.2012 between the accused persons and the informant in respect of a piece of land for the construction of an apartment. The informant has paid Rs. 3,16,000/- to the accused persons and accordingly, the company of informant has started construction work on the ground floor, and total Rs. 18,35,442/- were spent. It is further alleged that, informant received notice of Section 144 of Cr.P.C. from the S.D.M. Patna in respect of said land in question , and when he inquired, it was found that the accused persons had made a forged document, and on that basis accused persons executed an agreement fraudulently on the basis of a forged document with the informant. It is lastly alleged that when informant asked to return Rs. 18,35,442/- from the accused persons, then accused persons threatened informant to kill him.

4. It is submitted on behalf of the petitioners that petitioners are quite innocent, have committed no offence, and have been falsely implicated in the instant case. He further submitted that said land is allotted to petitioner no. 2 by his father in family partition and malguzari receipts were issued in favor since 1989, and in a family partition the said land was allotted to petitioner no. 2 by award dated 18-05-2011 by Lok Adalat, Patna, in LA Case No. 73/2011, and a new jamabandi



was created in the name of petitioner No. 2. The informant concealed the fact that he has filed money suit No. 45/2013 against the petitioner and others for a money decree for Rs. 18,35,442/-, which is still pending, and to put pressure upon the petitioners with the intention to extort money, informant has lodged the present FIR against these petitioners. He further submitted that the informant has not constructed the apartment on the land of the petitioners and has been on litigating terms with the petitioners since 2013 and concealed many facts in the FIR and lodged the present FIR with false and frivolous allegations against the petitioners, for which he had earlier filed a complaint in the year 2013 with the same sets of facts. He further submitted that petitioners have also been accused in S.K. Puri PS Case no. 175/2018, and petitioner no. 2 has also been accused in complaint case No. 766/2007. However, the dispute is purely civil in nature and for which informant has already availed the alternative remedy .

5 . Learned counsel for the State oppose 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 Chief Judicial Magistrate Patna in connection with S K puri P.S. Case No. 179 of 2018 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

Koushik/-

U		T	
---	--	---	--

