

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41373 of 2023

Arising Out of PS. Case No.-180 Year-2022 Thana- DIGHA District- Patna

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1. KAMESHWAR PRASAD RAI son of Late Chaudhari Ray R/o- Kothiya Vikash Nagar Road No-10, Ps- Digha Dist- Patna
 2. Gita Devi wife of Raju Ray R/o- Kothiya Vikash Nagar Road No-10, Ps- Digha Dist- Patna
 3. Chinta Devi wife of Kameshwar Prasad Rai R/o- Kothiya Vikash Nagar Road No-10, Ps- Digha Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. GITA DEVI KURJI KOTHIYA VIKASH NAGAR, ROAD NO. 10

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Dhiraj Sagar, Adv.
For the Opposite Party/s :	Mr.Ram Sevak Choudhary, APP.
	Mr. Nikesh Sinha, Adv.
	Mr. Bindeshwari Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 11-01-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 419, 420, 406, 323, 504, 506 and 34 of the Indian Penal Code.

3. Allegedly, all the accused persons including the petitioners are said to have committed fraud with the informant by taking a large amount of money on the pretext of executing the sale deed in his favour, but later on, they neither executed the sale deed nor returned the alleged amount.

4. It is submitted by learned counsel for the petitioners



that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. The said dispute is of civil nature. The FIR in the present case has been lodged only to counter the Complaint Case No. 6527 of 2021 filed by the petitioners' side against the informant and his associates. It is further submitted that the informant's son has already filed Title Suit No. 5 of 2022 against the petitioners on 04.01.2022. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as there is civil dispute between the parties, 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) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in



connection with Digha P.S. Case No. 180 of 2022, subject to the
condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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