

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45385 of 2024

Arising Out of PS. Case No.-1788 Year-2022 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Sumit Kumar Singh So Of Harendra Prasad Singh R/O- Rameshwar Bhawan, Main Road, Near Indian Overseas Bank, P.S.- Saridhela, Distt.- Dhanbad, State- Jharkhand, 826001
 2. Santosh Kumar Singh Son Of Surya Narayan Singh R/O- Rameshwar Bhawan, Main Road, Near Indian Overseas Bank, P.S.- Saridhela, Distt.- Dhanbad, State- Jharkhand, 826001
 3. Navin Dwivedi @ Naveen Kumar Son Of Awadh Kishore Dubey R/O- Canary Hill Road, Near Shiv Mandir, P.S. -Hazaribagh, Distt.- Hazaribagh, State- Jharkhand, 825301

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashish Kumar Barnwal Son of Ramji Prasad Barnwal R/o- Rama Bhawan, Ramna Road, P.S.-Civil Lines, Distt.- Gaya (Bihar)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Narayan, Advocate
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Gaya Complaint Case No. 1788 of 2022, instituted for the
offence punishable under Sections 406 and 420 of the Indian
Penal Code.

3. The prosecution case, in short, is that Navin
Dwivedi (petitioner no. 3) came to the house of the informant
and gave information regarding his project for booking Flat No.



B 404 area 1100 sq. feet alongwith parking for Rs. 19,35,000/- then on 25.09.2016, the flat was booked in the name of mother of informant namely, Sushila Devi against which Rs. 1,00,000/- was given and in lieu of the same, money receipt was given It is also stated that Rs. 12,65,000/- was to be paid prior to possession and rest amount was to be paid prior to registration of Flat No. 404. It is further alleged that he gave Rs. 12,65,000/- and when he went for registration, it was learnt that Flat No. 404 is not booked in the name of his mother rather the same is booked in the name of another person. On social pressure the Director came on 04.05.2022 and said that he will return money with interest and asked time of four months.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that petitioners have already transferred Rs. 18,00,000/- through 2 RTGS of Rs. 11,50,000/- and Rs. 6,50,000/- respectively into the respective bank accounts of Smt. Sushila Devi and Ashish Kumar Barnwal (complainant) vide RTGS nos. UCBA-JOBAM24054621125 and UBIN-IOBAM24054666878 from their Indian Overseas Bank. It is further submitted that the dispute is purely civil in nature. It is also submitted that the offences under which the



cognizance has been taken are compoundable. Lastly, it has been submitted that the petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Gaya Complaint Case No. 1788 of 2022, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-I, District- Gaya, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Sankalp/-

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