

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51981 of 2024

Arising Out of PS. Case No.-2202 Year-2019 Thana- SARAN COMPLAINT CASE District-
Saran

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1. Mina Tiwari, W/O Late Dinesh Tiwari @ Dinesh Kumar Tiwari, R/O Mohalla- Bhagwan Bazar, V.I.P. Gali, P.S- Bhagwan Bazar, Distt.- Saran At Chapra.
 2. Ujjawal Tiwari, S/O Late Dinesh Tiwari @ Dinesh Kumar Tiwari, R/O Mohalla- Bhagwan Bazar, V.I.P. Gali, P.S- Bhagwan Bazar, Distt.- Saran At Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Avinash Kumar Singh, S/O Kedar Singh, R/O Mohalla- Dahiyawan Tola, Tari, P.S- Chapra Muffasil, Distt.- Saran At Chapra.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prakash Ranjan Sinha, Advocate
For the State	:	Mr. Kalyan Shankar, APP
For the Complainant	:	Mr. Ram Binod Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-08-2024 Heard learned counsel for the petitioners and learned
APP for the State as well as learned counsel for the informant.

2. In this present case, the petitioners are apprehending their arrest in connection with Complaint Case No. 2202 of 2019, registered for the offences under Sections 420/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners entered into talk of sale of land to the complainant for consideration of Rs. 30,00,000/-. The complainant claims that he gave Rs. 5,00,000/- in cash to the petitioner no.1 and thereafter transferred Rs.



10,00,000/- and Rs. 3,00,000/- in the account of petitioner no.1. Even after getting Rs. 18,00,000/-, the petitioners did not register the land in the name of the complainant neither return the money to the complainant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Complainant is a property dealer and at his instance, the petitioners have executed three sale deeds in favour of different persons. The complainant received money from the purchasers and paid the consideration amount to petitioner no.1 but with ulterior and *malafide* intention and in order to grab the money, the complainant has lodged the false case. The transfer of the land in the name of different purchasers has been made and none of the purchasers have transferred any money to the account of the petitioners. The petitioners never directly received the consideration amount from the purchasers and as per instruction of the complainant, the consideration amount of the lands transferred in the account of the complainant or his partners. The complainant was in contact with the petitioners for purchase of land of Khata No. 201, Plot No. 424 area 10 *dhur* and 15 *dhur* for which an agreement was made on 06.04.2016 in which the complainant made his signature in his alias name



Nitesh Kumar Singh mentioning that amount of Rs. 12,00,000/- was given to petitioner no.1 on 12.11.2015 and Rs. 4,00,000/- to petitioner no. 1 on 26.11.2015 and both the payments have been made by the complainant. Thereafter, above noted three sale deeds have been executed by the petitioners. Petitioners are having clean antecedent.

5. Learned APP as well as learned counsel appearing on behalf of the complainant oppose the prayer for anticipatory bail. Learned counsel for the complainant submits that though the complainant is a land broker but there is no material to show that the purchasers transferred any money in the account of the complainant. Rather it is on record that the amount of Rs. 13,00,000/- has been transferred in the account of petitioner no.1. Learned counsel further submits that the petitioners have been taking varying stands and before the learned Sessions Court they have taken the stand that petitioner no.2 has executed a sale deed for six *katha* of land in favour of one Ajit Kumar Singh against the payment received from the complainant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the predominantly civil nature of dispute and further considering the clean antecedent of the petitioners coupled with possibility of



false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Saran at Chapra/concerned court in connection with Complaint Case No. 2202 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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