

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48092 of 2024**

Arising Out of PS. Case No.-9 Year-2023 Thana- GOH District- Aurangabad

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1. Pravesh Kumar
  2. Vijay Kumar, both Son of Shiv Chand Sao Resident of village - Purani Bazar Goh, P.S.- Goh, District - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dr. Jitendra Kumar Bhola @ Bhola Yadav Son of Ram Ayodhya Singh Resident of New Area Goh, P.S.- Goh, District - Aurangabad.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      07-10-2024                      Heard learned counsel for the petitioners as well as learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 406, 420 and 120(B) of the IPC in connection with Goh P.S. Case No.09 of 2023.

3. The learned counsel for the petitioners submit that from perusal of the office report dated 04.10.2024 it would manifest that the same records that O.P. No.2 has received notice. Since notice has been received by O.P. No.2, hence it is deemed to have been validly served.

4. The learned counsel for the petitioners submit that



petitioners have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that he gave money for purchasing a piece of land as detailed in the FIR, but then the sale deed with respect to the land in question was not executed nor the petitioners have returned the amount. It is next submitted that it were the petitioners who had given loan to the informant which the informant was not returning and when the petitioners asked the informant to repay their money back the instant false case came to be instituted. It is also submitted that petitioners have filed a money suit against the informant bearing Money Suit No.17 of 2022 (Annexure-3).

5. The learned APP opposes the anticipatory bail application and submits that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that he had given rupees eight lakhs by cheque and Rs.10,33,500/- by way of cash, it is submitted that petitioners do not deny the allegation as alleged in the FIR with regard to payment made by the informant by cheque of rupees eight lakhs. It is further submitted that it appears that it is a prima facie case of cheating.

6. Considering the submissions made by the learned



APP, the Court is not inclined to extend the privilege of anticipatory bail to the petitioners, the anticipatory bail application is rejected and accordingly the bail bonds of the petitioners in terms of order dated 07.08.2024 is hereby recalled.

(Satyavrat Verma, J)

Prakash Narayan

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