

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51001 of 2024

Arising Out of PS. Case No.-22 Year-2024 Thana- SANGRAMPUR District- East
Champaran

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1. Awadh Kishor Tiwari S/o- Late Anant Tiwari @ Late Ram Anant Tiwari Village- Damobriti, P.S.- Harsidhi, District- East Champaran
 2. Ambeydutt Kumar Tiwari son of Awadh Kishore Tiwari Village- Damobriti, P.S.- Harsidhi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binay Kant Mani Tripathi, Advocate
For the State	:	Mr. Uday Chand Prasad, APP
For the Informant	:	Mr. Sanjay Kumar Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State as well as learned counsel for the informant.

2. The petitioners apprehend arrest in connection with Sangrampur P.S. Case No. 22 of 2024 dated 29.01.2024 instituted for the offence punishable under Section 420, 467, 468, 504/34 the Indian Penal Code.

3. The prosecution case, in short, is that the petitioners received fifteen lakh rupees from the informant on the basis of two deed of agreement to sale dated 21.05.2019 & 16.02.2019. After receiving the consideration amount of Rs. 15,00,000/-, the petitioners did not execute the sale deed in favour of the informant. It is also alleged that they did not return the said money.



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 the petitioners received only five lakh rupees from the informant for treatment of the wife of petitioner no. 1, who was suffering from Covid-19. The petitioners returned the money with the interest and requested the informant and his family members to return the written deed for agreement to sale, but the informant refused to return it. Petitioner no. 1 had returned the money with interest total amounting to Rs. 8,75,000/- while he had taken five lakh rupees only from the informant. The wife of petitioner no. 1 died on 07.05.2021 from Corona-virus disease and exgratia compensation of four lakh rupees from government was granted on 16.08.2021. Petitioner no. 1 withdrew three lakh rupees on 17.08.2021, fifty thousand rupees on 13.09.2021 & 16.12.2021 from his S.B.I. account and returned the money to the informant, but no receipt was given to petitioner no. 1 and the informant assured to return the deed of agreement for sale. The petitioner no. 1 sold his land for Rs. 1,12,000/- and Rs. 80,000/- vide sale deed no. 5849 and 5850 respectively on 31.05.2023 and also sold the land for Rs. 1,70,000/- vide sale deed No. 10490 and due to pressure and threat of the informant. The petitioner no. 1 has returned the total money with interest to the informant, but the informant neither gave any receipts nor returned



the documents and filed the present false and concocted case only to harass the petitioners. Learned counsel for the petitioners further submits that the present dispute is purely civil in nature. Lastly, it has been submitted that petitioners have one criminal cases against them.

5. On the other hand, learned A.P.P. for the State and learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioners. Learned counsel for the informant submits that after receiving fifteen lakh rupees from the informant, the petitioners neither executed the sale deed in favour of the informant nor returned the said money.

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 petitioners within a period of six weeks from today, in connection with Sangrampur P.S. Case No. 22 of 2024, they will be released on 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 Chief Judicial Magistrate, Motihari, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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