

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51526 of 2024

Arising Out of PS. Case No.-156 Year-2022 Thana- SAHAJITPUR District- Saran

1. Mahesh Singh @ Mahesh Kumar Singh Son of Late Raj Mohan Singh Resident of Vill- Rampur Kala, P.S.- Khaira, District- Saran at Present Residing in House of Basant Kumar, Bans Kothi, Digha Ghat, P.S.- Digha, District- Patna
2. Indu Devi @ Indu Kumari Wife of Mahesh Singh @ Mahesh Kumar Singh Resident of Vill- Rampur Kala, P.S.- Khaira, District- Saran at Present Residing in House of Basant Kumar, Bans Kothi, Digha Ghat, P.S.- Digha, District- Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bibhakar Tiwary, Advocate
For the Opposite Party/s : Mr. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Sahajitpur P.S. Case No. 156 of 2022, registered on 20.07.2022, for the alleged offence under Sections 406, 420, 465, 467, 468, 471 of the Indian Penal Code.

03. As per prosecution case, petitioners cheated the informant of Rs. 10,00,000/- on assurance of arranging a job for the son of the informant.

04. Learned counsel for the petitioners submits that



petitioners are innocent and have been falsely implicated in this case. The petitioner no. 1 is a property dealer and informant approached the petitioner no. 1 and introduced him to one Subhash Rai, who wanted to sell his land. The said person agreed to sell his land for consideration amount of Rs. 22.5 lacs for 1.5 *kattha*. The informant, after some days, again contacted the petitioner no. 1 and said that the land owner was demanding Rs. 10,00,000/- in advance for execution of agreement to sale. The petitioner no. 1 arranged Rs. 7,00,000/- and handed it over to the informant on different dates to be paid to the land owner. When the petitioner no. 1 requested the land owner for executing the agreement to sale, it was disclosed by him that he had only received Rs. 1,00,000/- from the informant. When the petitioners put pressure upon the informant, he agreed to return the amount of Rs. 6,00,000/- in the account of petitioners and therefore, the petitioners provided him their account numbers. Learned counsel further submits that the informant has made a completely false allegation about transfer of Rs. 1,00,000/- in the account of petitioner no. 1 and further amount of Rs. 2,00,000/- in the account of petitioner no. 2. But from the statement annexed with the petition, it is apparent that no such transfer has been made in the accounts of the petitioners.



Learned counsel further submits that the petitioners have not received any cash from the informant and allegation of payment of Rs. 7,00,000/- to the petitioners is completely false and baseless. The present case has been lodged by the informant only to grab the money of the petitioners. Learned counsel further submits that there is inordinate delay of six years in lodging the FIR and it is not believable that any person cheated in the name of providing job to his son would wait for such long period to lodge the FIR. The petitioners have got no criminal history.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the 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 bond 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/ court concerned in connection with Sahajitpur P.S. Case No. 156 of 2022, subject to the condition 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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