

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59869 of 2024

Arising Out of PS. Case No.-7990 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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1. MUKESH KUMAR GUPTA @ SUMAN GUPTA @ SUMAN SON OF BHARAT PRASAD RESIDENT OF FLAT NO. - 304, OM RAJ APARTMENT, JAMAL ROAD, P.S. - GANDHI MAIDAN, DISTRICT - PATNA. PERMANENT RESIDENT OF VILLAGE - RAM GARHWA, P.O. - RAM GARHWA, DISTRICT - EAST CHAMPARAN (MOTIHARI)
2. MOHIT GUPTA @ MOHIT KUMAR SON OF RAKESH KUMAR GUPTA RESIDENT OF FLAT NO. - 203, OM RAJ APARTMENT, JAMAL ROAD, P.S. - GANDHI MAIDAN, DISTRICT - PATNA. PERMANENT RESIDENT OF VILLAGE - RAM GARHWA, P.O. - RAM GARHWA, DISTRICT - EAST CHAMPARAN (MOTIHARI)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SMT. SANJU DEVI WIFE OF SHRI AWADHESH YADAV R/O. BABLI BAG STORE, STATION ROAD, NEW DURGA MANDIR, GORIYA TOLI, P.S. - KOTWALI, PATNA, BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Navendu Kumar
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 01-10-2024 Heard learned counsel for the petitioners, informant

and the State.

2. Petitioners apprehends arrest in a case registered

for the offence punishable under sections 406 and 420/34 of the

Indian Penal Code.

The prosecution case as per the complaint petition

of the complainant is that in the month of July 2020 when the

accused persons approached him and requested him to make



investment in his rice mill as the mill was getting in loss due to pandemic corona. Accordingly he transferred an amount of Rs.35,00000/- in the account of accused Amit. It has further been alleged that money he paid to the accused persons was fetched by him through sale land which was meant for medical education of his daughter. He further alleged that the accused persons became dishonest and did not return the money to the complainant. The complainant has apprehension that the accused persons will not return his money.

Learned counsel for the petitioners submits that petitioner no. 1 has got business of transportation and are living separately in Flat No. 304, Om Raj Apartment while petitioner no. 2 during pandemic, he was a student and studied at Bhuvneshwar and he came to Patna in the year, 2023. It is further submitted that the petitioners are quite innocent and they have committed no offence. The entire prosecution story is quite, false, fabricated and concocted. Accused No. 4 Amit Gupta in whose account Rs. 35 lakh has been transferred is owner of flat No. 303, Om Raj Apartment and this flat has not been sold as yet. Petitioner has not received any money from the complainant and nor cheated her in any way. There is no criminal antecedents against the petitioners.



Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let this petitioners, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Patna in connection with Complaint Case No. 7990(c) of 2023, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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