

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54799 of 2024

Arising Out of PS. Case No.-1240 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Birendra Rai @ Birendra Ray SON OF Shiv Nath Ray village -Nakta Diyara
PS- Digha District -Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arvind Kumar Son Of Sri Jagdsih Prasad Yadav Village- Gosai Tola, Ps-
Patliputra, Dist- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with
Complaint Case No. 1240 of 2023 registered under Sections
120(B)/34, 406, 420, 467, 468, 471 of the Indian Penal Code
and Section 138 of the N.I. Act.

3. It is alleged that complainant/opposite party no. 2 paid
Rs. 50,01,000/- (Fifty lacs one thousand) to co-accused
Chandan Kumar Gop and Ajay Kumar for purchase of land,
however when, complainant came to know that the land in
question was not for sale, he demanded his money, then accused
persons gave two cheques amounting to Rs. 25 lacs and 21 lacs



(total Rs. 46 lacs) to the complainant, but when complainant/opposite party no.2 deposited aforesaid two cheques in bank, they got bounced.

4. Learned counsel appearing on behalf of the petitioner submits that on perusal of the complaint case, it is apparent that specific accusation of receiving consideration money is against co-accused Chandan Kumar and Ajay Kumar. Petitioner is only alleged to have induced the complainant to purchase the land in question. Petitioner has not received any single farthing from the complainant. Co-accused Ajay Kumar, who is alleged to have received a part of the consideration money, has already been granted bail by this Court *vide* order dated 05.08.2024 passed in Cr. Misc. No. 31419 of 2024. Petitioner claims clean antecedent.

5. Learned A.P.P. for the State opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and similarly situated co-accused has already been granted bail, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties



of the like amount each to the satisfaction of Sub-Divisional
Judicial Magistrate, Danapur, Patna in connection with
Complaint Case No. 1240 of 2023, subject to the conditions as
laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Singh, J)

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