

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56389 of 2024

Arising Out of PS. Case No.-177 Year-2023 Thana- BAHADURPUR District- Patna

1. Sambhav Raj Son Of Satish Kumar Poddar @ Satish Kumar Resident Of C19 Savita Raj Kutir, Kasturba Nagar, Community Hall Road, Near Bazar Samiti, P.S.- Bahadurpur, Distt.- Patna
2. Tejasvi Raj Son Of Santosh Kumar Resident Of C19 Savita Raj Kutir, Kasturba Nagar, Community Hall Road, Near Bazar Samiti, P.S.- Bahadurpur, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Kumar Jha, Adv.
For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-09-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Bahadurpur P.S. Case No. 177 of 2023 registered under Sections 420, 406, 467, 468, 469 and 34 of the Indian Penal Code.

3. As per prosecution case, an agreement was made between the parties to purchase the land, and the consideration amount was fixed at Rs. 1 crore 15 lakhs. Pursuant to the agreement, informant gave four cheques of Rs. 5 lakhs and Rs. 70 lakhs cash to the accused persons, and informant was told that after payment of the rest amount, a registry would be done.



Subsequently, the informant came to know that co-accused Santosh Kumar and Satish Kumar Poddar mortgaged the land in question and have taken a loan of Rs. 32 lakhs from the Central Bank of India. When he informed the accused persons then they told that the document which was shown to him was actually coloured photocopy. Informant made payment of Rs. 19 lakhs in the loan account of accused persons, and he was asked to give the rest amount, and in the name of taking NOC, informant again gave Rs. 1,50,000/- through a cheque, but petitioners and other accused persons did not execute the land in favour of informant and refused to return the consideration money.

4. Learned counsel appearing on behalf of the petitioners submits that petitioner no. 1 is son of co-accused Satish Kumar Poddar and petitioner no. 2 is son of co-accused Santosh Kumar. Petitioners are innocent and have falsely been implicated in the present case by informant with oblique motive to pressurize the father and other family members of the petitioners to transfer the property in question in favour of informant or to make more payment than the amount mentioned in the agreement. It is further submitted that from bare perusal of F.I.R., it is crystal clear that petitioners have not played any role in the negotiation between the parties in relation to the property mentioned therein



nor the petitioners have received any amount either in cash or in their account from informant nor petitioners are signatories of the agreement. Moreover, the dispute is of civil nature. Petitioners claim clean antecedent.

5. Learned A.P.P. appearing on behalf of the State opposed the bail application.

6. Having considered the aforesaid facts and circumstances of the case, let the above named petitioners 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-bonds of Rs. 10,000 (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Patna in connection with Bahadurpur P.S. Case No. 177 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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