

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63036 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- DURAULI District- Siwan

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1. Tej Pratap Rai @ Tej Pratap Singh S/o Singhasan Rai
 2. Pinki Devi W/o Tej Pratap Rai @ Tej Pratap Singh
 3. Jagriti Singh @ Jagriti Kumari D/o Tej Pratap Rai @ Tej Pratap Singh
- All are R/o vill - Uttar Tola, Darauli, P.S. - Darauli, Distt. - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gajendra Kumar Singh, Advocate
		Mr. Udit Narayan Singh, Advocate
For the State	:	Mr. Dashrath Mehta, APP
For the Informant	:	Dr. Ajeet Kumar, Advocate
		Mr. Ajay Kumar Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 21-09-2024

1. Heard learned counsel for the parties.

2. The petitioners in this application pray for bail apprehending their arrest in connection with Durauli P.S. Case no.6 of 2024 registered for the offence punishable under sections 420, 406 and 120B of the Indian Penal Code.

3. As per the prosecution case, the informant states that Rs.1,08,795/ was given by way of advance by the informant to the petitioner against the agreement to sale. The balance amount of Rs.7.2 lacs was paid in the account of wife and daughter. Now neither the petitioners are ready to return the aforesaid amount nor have they executed the sale deed, hence



the instant case.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. It is a purely civil dispute. It was against an advance given by the petitioner to the tune of Rs.8 lacs out of which Rs.7.2 lacs was returned by the informant and rest Rs.80,000/ is still to be paid. The petitioners have no criminal antecedent.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that it was against an agreement for sale that the total consideration as stated in the FIR was given by the informant to the petitioner and the same not having been returned, it is a clear case of cheating and criminal breach of trust. It is not a case for grant of anticipatory bail.

6. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the nature of allegation relating to an agreement for sale and the amount paid with respect to the same together with the petitioners not having any criminal antecedent, it is directed that the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four



weeks, be released on anticipatory bail in connection with Durauli P.S. Case no.6 of 2024 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Siwan, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Partha Sarthy, J)

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