

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58750 of 2024

Arising Out of PS. Case No.-791 Year-2021 Thana- PHULWARISHARIF District- Patna

1. Ajay Singh @ Rana Ajay Singh S/O Late Vijay Singh R/O Village- Raksa, P.O And P.S- Ekangarsarai, Distt.- Nawada, Present Residents of 155 D, Patliputra colony, P.S- Patliputra, District- Patna.
2. Rani Singh @ Reena Devi W/O Ajay Singh @ Rana Ajay Singh R/O Village- Raksa, P.O And P.S- Ekangarsarai, Distt.- Nawada, Present Residents of 155 D, Patliputra colony, P.S- Patliputra, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Prasad Bhartee, Adv.
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Phulwarisharif PS Case No.791 of 2021 dated 16-09-2021,
instituted under Sections 420,406, 467, 468, 323, 379, 504 and
506/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that accused
persons including the petitioners offered the informant for
selling his house situated at Vrindavan Colony, Phulwari, Patna
with consideration amount of Rs. 90 lacs and informant has
expressed his willingness to purchase it. Further allegation is
that petitioner No.2 in presence of her husband (petitioner



No.2), daughter and son has taken Rs. 4 lacs at the time of agreement and later on informant has paid total Rs. 47 Lacs to the petitioners, but after lapse of two years the petitioners failed to register the said house and grab the money fraudulently. It is further alleged that while the informant has visited the said house, he saw that one Prabhat Kumar Ranjan was repairing the house and he has stated that petitioners have also taken Rs. 40 lacs from him and did not register the house.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this. It is submitted that petitioners received altogether Rs. 41,50,000/-(Forty one lacs fifty thousand) from the informant on receipt and petitioners have given Rs. 36,72,000/- to the informant and after adjustment Rs. 4,78,000/- is with the petitioners, which they are ready to return. It is next submitted that an agreement has been made between the petitioners and informant and in the back of 4th page of the agreement, it has clearly been mentioned that out of amount for agreement to sale Rs. 12,00,000/- through cheque No. 000031 dated 09-07-2021 and Rs. 36,00,000/- through cheque no. 000032 dated 20-08-2021 has been given to the petitioners. If both these cheques are not encashed on time then the agreement shall be cancelled. It is



submitted that both the cheques were presented for encashment which got dishonored as payment was stopped by the drawer. Petitioners have filed a supplementary affidavit bringing on record the copies of return memo dated 12-07-2021 and relevant portion of statement of account from 01-08-2021 to 15-08-2024. In paragraph no.2 of the supplementary affidavit, it is stated that two cheques bearing cheque no. 000031 dated 09-07-2021 of Rs. 12,00,000/- and cheque no. 000032 dated 20-08-2021 of Rs. 36,00,000/- presented for collection to her bank, namely, HDFC Bank which was dishonored and returned unpaid by the drawee bank on 12-07-2021 as payment was stopped by the drawer. The allegation in the FIR with regard to payment and *baiyana* in favour of Prabhat Kumar Ranjan by the petitioners is not correct. It is vehemently submitted that no *baibyana* except in favour of the informant has been made with regard to the house in-question Learned counsel further submits that the informant and Prabhat Kumar Ranjan are land *Mafiya* and several cases are pending against them. It is submitted that it is a case of civil nature but only to pressurize the petitioners and to grab the house, FIR has been lodged. Lastly it is submitted that one criminal case is pending against the petitioner No.1 whereas petitioner no.2 has no criminal antecedents.



5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, XI, Patna, in Phulwarisharif PS Case No.791 of 2021, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

shyambihari/-

U		T	
---	--	---	--

