

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57508 of 2024

Arising Out of PS. Case No.-317 Year-2024 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. Kunti Devi Wife of Rabindra Prasad R/O Vill.- Bhojpurwa, P.S.-
Manjhagarhj, Dist.- Gopalganj.
 2. Kalawati Devi Wife of Dhurup Bhagat @ Dhurup Bhagat R/O Vill.-
Bhojpurwa, P.S.- Manjhagarhj, Dist.- Gopalganj.
 3. Ankit Kumar Son of Dhurup Bhagat @ Dhurup Bhagat R/O Vill.- Bhojpurwa,
P.S.- Manjhagarhj, Dist.- Gopalganj.
 4. Sumendra Prasad Son of Dhurup Bhagat @ Dhurup Bhagat R/O Vill.-
Bhojpurwa, P.S.- Manjhagarhj, Dist.- Gopalganj.
 5. Rabindra Prasad Son of Dhurup Bhagat @ Dhurup Bhagat. R/O Vill.-
Bhojpurwa, P.S.- Manjhagarhj, Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Thakur Brajesh Singh, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

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

2. The petitioners apprehend arrest in connection with
Gopalganj Town P.S. Case No. 317 of 2024 dated 24.04.2024,
instituted for the offence punishable under Sections 420, 406/34
of the Indian Penal Code.

3. The prosecution case, in short, is that, on
27.01.2021, the informant gave Rs. 5 lakhs to Dhurup Bhagat to
hand over the same to Rameshwar Prasad in respect of purchase



of land from Rameshwar Prasad. It is further alleged that after one month when informant asked Dhurup Bhagat to execute sale deed in her favour then he started delaying the matter. Thereafter, Dhurup Bhagat assured the informant of returning the money and on 20.01.2024, when the informant reached the house of Dhurup Bhagat to take her money, then he refused to return the money and started abusing and assaulting her along with other accused persons.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that petitioner no. 2 is wife of Dhurup Bhagat and petitioner nos. 3, 4 & 5 are sons of Dhurup Bhagat. It is further submitted that Dhurup Bhagat introduced the informant with Rameshwar Prasad, who is alleged owner of the land. It is submitted that the agreement between informant and Rameshwar Prasad was made for 16 dhurs of land. The informant gave Rs. 5,00,000/- as an advance money to Dhurup Bhagat, who handed over the same to Rameshwar Prasad. It is further stated that as per the FIR, the informant arranged the remaining amount and requested Dhurup Bhagat to get the sale deed executed in her favour but, he did not execute sale deed in favour of informant. Thereafter, informant requested Dhurup



Bhagat to return the said money but he kept on taking time. Thereafter, the informed visited on the address of Rameshwar Prasad but she did not find any person of that name. It is further stated that allegation against the petitioners is general and omnibus in nature. It is further submitted that from perusal of FIR, it is evident that there is no allegation of taking advance money from the informant. Lastly, it has been submitted that the petitioners have no criminal antecedents.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Gopalganj Town P.S. Case No. 317 of 2024, they shall be released on anticipatory 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 Chief Judicial Magistrate, Gopalganj, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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