

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58660 of 2024

Arising Out of PS. Case No.-2756 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Sumit Kumar Son of Subhash Chandra Choubey Resident of Ambika Nagar,
P.S. - Banjariya, District - East Chamaran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Anil Kumar Son of Ramanand Singh Resident of Chandmari, P.S. - Motihari Town, District - East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan

For the Opposite Party/s : Mr.Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-09-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Complaint Case No. 2756 of 2023 dated 29.09.2023 registered under Sections 406, 420, 341, 323, 504, 506, 120B, 34 of the I.P.C.

3. As per the complaint, the co-accused / Prabhat Choubey took a sum of Rs. 70,000/- for the purpose of investing it in business. Subsequently, the co-accused also borrowed Rs. 6,00,000/- lakh from the complainant and when the complainant demanded his money back, the co-accused said to the complainant that he would sell his land near Balganga which may be purchased by the complainant and the amount borrowed



from him by the co-accused can be adjusted in the price of the land. The price of the land was fixed at Rs. 20,00000/- . Subsequently the complainant paid a sum of Rs. 12,00000/- to the co-accused and thereby total amount of Rs. 1870000/- was given by the complainant to the co-accused / Prabhat Choubey. It has further been alleged that lastly in February, 2023 Rs. 1,00,000/- was given to the accused persons for which the petitioner and his wife had signed the acknowledgment. It has further been alleged that upon verification of the document it was found that the co-accused got the government land registered upon disclosing wrong Khata No. and Khesra No. The land which was promised to be sold in favour of complainant was “gairmajarua”, government land.

4. Learned counsel for the petitioner submits that from the entire complaint only allegation against the petitioner is that he signed the acknowledgment receipt for an amount of Rs. 1,00,000/- which was paid to the co-accused / Prabhat Choubey in February, 2023. Learned counsel further submits that the petitioner happens to be the brother of Prabhat Choubey and as such, entire family has been implicated in the present case. The allegation of committing forgery and cheating is against the co-accused / Prabhat Choubey. The wife of the



petitioner having similar allegation has been granted bail by learned Sessions Judge itself.

5. Regard being had to the submission made by the parties, taking into consideration the nature of allegation and the fact that the co-accused who is wife of the petitioner having similar allegation has been granted bail, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four 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 Ms. Nandini Suman, learned Judicial Magistrate 1st Class, Motihari, East Champaran in connection with Complaint Case No. 2756 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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