

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66178 of 2024

Arising Out of PS. Case No.-272 Year-2023 Thana- LAHERIMUHALLA District- Nalanda

Ranjeet Kumar Son of Sri Arjun Prasad Resident of Village- Meghi, PS-
Deepnagar, Dist.- Nalanda. At Present R/O Mohalla- Kamruddinganj, Dist.-
P.s.- Laheri, Dist.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.K. Thakur, Advocate Ms. Y. Madhavi, Advocate Ms. Priya, Advocate
For the State	:	Mr. Ram Bilash Roy Raman, A.P.P.
For the Informant	:	Mr. Indu Bhushan, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 29-11-2024 Heard learned Counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Laheri P.S. Case No. 272 of 2023, registered for the alleged offences under Sections 406, 420, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and his co-accused wife entered into an agreement of sale with the informant for purchase of some land and in this manner, took Rs. 36,70,000/- from the informant and refused to transfer the land in the name of the informant.

4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. For the same occurrence, son of the informant has lodged Nagarnausa P.S. Case No. 62 of 2023 with exactly the same allegation and in that case, the petitioner has been enlarged on bail by the learned Trial Court. Learned Counsel further submits that the petitioner had taken loan from the informant and had been paying interest in the account of the informant existing in the name of S.S. Prasad & Sons, Tour & Travel. Learned Counsel further submits that in fact the informant and her husband are money lenders and as they do not have any money lending license, they used to get signature of the loanees on land papers and convert it into an agreement of the sale. The informant has also filed Title Suit No. 218 of 2023 for specific performance of contract with respect to land in question and this shows the civil nature of dispute. Co-accused, namely, Vibha Rani has been granted anticipatory bail by this Court vide order dated 05.03.2024 in Cr. Misc. No. 77666 of 2023. Petitioner is in custody since 09.10.2023 and charge-sheet has also been submitted in this case.

5. Learned APP as well as learned Counsel for the informant vehemently oppose the prayer for bail.

6. Learned Counsel for the informant submits that the



F.I.R. registered by the step-son of the informant has the same recital as the petitioner also took the same amount of money and also agreed to transfer a portion of land from the same property and for this reason, the F.I.R. has been registered with the same averment. Learned Counsel further submits that even the Title Suit has been filed for specific performance of contract, the same does not preclude filing of criminal case against the petitioner as the petitioner is a habitual offender and has also been convicted in one such case in Kanke (Ranchi) P.S. Case No. 19 of 2005 which was also registered under Sections 467, 468, 471, 420 and 120(B)/34 of the Indian Penal Code.

7. Having regard to the facts and circumstances and submissions made hereinabove and considering the period of custody of the petitioner and nature of dispute, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif, in connection with Laheri P.S. Case No. 272 of 2023, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close



relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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