

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71017 of 2023

Arising Out of PS. Case No.-642 Year-2020 Thana- PATNA COMPLAINT CASE District-
Patna

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1. DURGA PASWAN SON OF LATE BASUDEO PASWAN RESIDENT OF VILLAGE- NIMA, PS- PUNPUN, DISTT- PATNA
 2. AMIT KUMAR PASWAN @INDAL PASWAN @ AMIT KUMAR SON OF DURGA PASWAN RESIDENT OF VILLAGE- NIMA, PS- PUNPUN, DISTT- PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. SANJIV KUMAR SON OF SRI KAMALKANT SINHA RESIDENT OF VILLAGE- HARNICHAK, ANISHABAD, PO-ANISHABAD, PS- BEUR, DISTT- PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Vijay Kumar Sinha, Adv.
For the Opposite Party/s :	Mr.Sanjay Kumar Tiwary, APP
	Mr.Satyabir Bharti, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 05-02-2024 Heard learned counsel for the petitioners, learned counsel for the complainant and learned APP for the State.
2. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 406 and 506 of the IPC.
3. Allegation against the petitioner no.1 is that he took consideration money from the complainant for selling a piece of land but has not registered the land in favour of the complainant.
4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior



motive. Petitioner no.2 (son of the petitioner no.1) has already returned the said amount of Rs.5 Lacs to the complainant and enclosed the receiving dated 10.07.2019 as Annexure-5. It is further submitted by learned counsel for the petitioners that process of section 82 Cr.P.C. has been issued against the petitioners when the anticipatory bail petition of the petitioners was pending before this Court. There is no compliance of the issuance of section 82 Cr.P.C. against the petitioners.

5. Learned APP for the State as well as learned counsel for the O.P. No.2 opposed the prayer for bail and submits that process of section 82 Cr.P.C. has been issued against the petitioners and in this regard enclosed the detailed order sheet at Annexure- OP2/C. It is further submitted that the complainant had sought an information under Right to Information from Patna Treasury Office, Patna whereupon they have given a written information that the stamp paper bearing no.AW682650 dated 07.05.2019 was not issued by the Patna Treasury Office, Patna. It is submitted that the process of section 82 was issued on 11.09.2023 itself when no anticipatory bail petition was pending before this Court or before the Court below. It is lastly submitted that the petitioners have not come with clean hands for grant of anticipatory bail.



6. Per contra, learned counsel for the petitioner submits that the said stamp paper is issued by the complainant himself, therefore, it is not that the petitioner has procured the said deed.

7. Having regard to the facts and circumstances of the case, since there is civil dispute/money dispute between the parties, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Complaint Case No.642(C) of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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