

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67360 of 2023

Arising Out of PS. Case No.-180 Year-2022 Thana- SINGHWARA District- Darbhanga

Syed Mohammad Ashraful Islam Son Of Khalilur Rahman Resident Of
Village - Mahdauli, P.S. - Laheriasarai, District - Darbhanga

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Himanshu Shekhar Mallik Son Sri Ramashankar Mallik Resident Of Village
- Bedauli, P.S. - Singhwara, District - Darbhanga

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 8073 of 2023

Arising Out of PS. Case No.-180 Year-2022 Thana- SINGHWARA District- Darbhanga

1. Sanjay Kumar Jaiswal Son Of Ram Nath Chaudhary R/O Mohalla- Mufti
(J.P. Chowk), P.S.- Town Darbhanga, District- Darbhanga
2. Priyanka Jaiswal Wife Of Sanjay Kumar Jaiswal R/O Mohalla- Mufti (J.P.
Chowk), P.S.- Town Darbhanga, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 67360 of 2023)

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr.Ram Naresh Ray

(In CRIMINAL MISCELLANEOUS No. 8073 of 2023)

For the Petitioner/s : Mr.Shyam Kumar Singh

For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-01-2024 Heard learned counsel for the petitioners, opposite
party no. 2 and learned Additional Public Prosecutor for the
State.

2. The petitioners are apprehending their arrest in a
case registered for the offence punishable under Sections 406,
420, 120(B) of the Indian Penal Code.



3. Prosecution case is that the informant and petitioners are well known to each and in the month of January, 2020, petitioner Sanjay Kr. Jaiswal and Priyanka Jaiswal came at the house of the informant and told him to invest money in their construction company for business of selling and purchasing of land and benefit will be given to him. It is alleged that the informant in good faith gave Rs. 2,10,000/- and Rs. 75,000/- by cheque. On 03.02.2020, both the above named petitioners executed an agreement of 2 bigha, 6 katha, 2 dhur land with the petitioner Syed Mohammad Ashraful Islam. At the instruction of petitioner Sanjay Kr. Jaiswal, the informant transferred Rs. 2,50,000/- by cheque in the account of petitioner Syed Mohammad Ashraful Islam and it was agreed that the Syed Mohammad Ashraful Islam executed sale deed of 5 katha land in favour of the informant but the petitioner Syed Mohammad Ashraful Islam executed sale deed in favour of petitioner Sanjay Kr. Jaiswal and others and embezzled the amount of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that the informant is business partner of Sanjay Kumar Jaiswal and Priyanka Jaiswal. He submits that the



petitioners had not cheated the informant and this is case of purely civil nature. He submits that the petitioners are ready to deposit the aforesaid amount in the learned court below which will be subject to the final out come of the case. He further submits that petitioners have no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the facts and circumstances of the case, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail 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 Singhwara P.S. Case No. 180 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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