

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69371 of 2023

Arising Out of PS. Case No.-123 Year-2021 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Nand Kishor Sharma Son Of Late Sidheshwar Singh Vill-Mandai Ps-Khizersarai Dist-Gaya
 2. Niraj Kumar Son Of Nand Kishore Sharma Vill-Mandai Ps-Khizersarai Dist-Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Baidyanath Sharma Son Of Jaykunth Singh Vill-Dundichak Ps-Atri Dist-Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aryan Singh
For the State	:	Mr. Raj Ballabh Singh
For the Complainant	:	Mr. Rajiv Ranjan Kr. Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 19-03-2024 Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel for the complainant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 379, 420, 406, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, the complainant has applied for loan from bank for purchasing harvester but his loan was not approved because he has not sufficient land of 5 Acre, then he contacted petitioner no. 1 and purposed that as the petitioner no. 1 has more than 5 acre of land, so he should



purchase harvester in his name and the complainant would pay all the loan amount. Once all the loan amount is fully paid, the accused shall transfer the ownership of the harvester to the complainant. For this both the parties entered into an agreement on 15.12.2018. It is further stated that in the year 2020, petitioner no. 2 asked the complainant for harvesting machine for the purpose of agriculture and earned profit of Rs. 2,00,000/- and when the complainant demanded his share from profit amount but both the petitioners refused to pay.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that the harvester machine was purchased by the petitioner no. 1 from his own fund. The property of the petitioner has been mortgaged for purchasing the said harvester machine. He further submits that the occurrence has been taken place in some other manner, but due to money dispute the present case has been filed in counter blast of Khizersarai P.S. Case No. 378 of 2020. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State and learned counsel



for the complainant opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case and the fact that it is a 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 lower Court where the case is pending/successor Court in connection with Complaint Case No.123 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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