

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72324 of 2023

Arising Out of PS. Case No.-2664 Year-2020 Thana- PATNA COMPLAINT CASE District-
Patna

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GIRIJA THAKUR S/O NAWRATAN THAKUR R/O YARPUR YOGIA
TOLI, P.S- GARDANIBAGH, DISTT.- PATNA AT PRESENT VEDANT
MENS PARLOUR R.D GOSAI TOLA, P.S- PATLIPUTRA, DISTT.-
PATNA.

... .. Petitioner/s

Versus

1. The State of Bihar
2. MD. JAMALUDDIN S/O MD NAJIRUDDIN MARHUM R/O GALI NO. 1
BUILDING NO-3, NEHRU NAGAR, P.S- PATLIPUTRA, DISTT.- PATNA.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Usha Kumari Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar , APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-07-2024 Heard learned counsel for the petitioner and the

State.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 420, 323 , 448 and 34 of
the Indian Penal Code .

3 . Prosecution case , in brief is that the complainant
filed a complaint case vide No. 2664 (C)/2020, stating therein
that the complainant wants to purchase land. A land was shown
by the accused, namely *Girja Thakur* and *Rajeev Kumar*. The
rate was fixed at Rs. Twenty lakhs. The agreement to sale was
prepared on the paper of Rs. 1000/-. It is further alleged that Rs



3 lakhs was deposited at the time of agreement in the presence of *Anita Devi, Anil Kumar, Girija Thakur (petitioner), and Raajeev Soni*. It is further alleged that after some time the complainant gave Rs Four lakhs to *Rajeev Soni* and *Girija Thakur* and got receiving on the paper. The complainant gave Rs 1.25,000/- to *Girija Thakur (petitioner)* and *Rajiv Kumar Soni* as brokerage. It is further alleged that the said land was sold to another person, namely *Kanchan Mala*, wife of *Satish Prasad*, on 17-07-2019, vide deed no. 8571. The agreement was for two years, till 30-03-2021. The cognizance has been taken vide order dated 17-02-2021 under sections 420, 323, 448/34 IPC against *Anita Devi, Girija Thakur, and Rajeev Kumar*.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this false and fabricated case. Petitioner is only witness to the sale deed and has not received any money from the complainant. The alleged money was received by land lord namely *Anita Devi*. From bare perusal of the complaint, it would be apparent that the dispute in between the parties is purely civil in nature and as such no case under Sections 420 is made out against him. Petitioner claims clean antecedent.

5. Learned counsel for the State opposes the bail



petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class Patna in connection with Complaint case No. 2664 of 2020, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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