

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73035 of 2024

Arising Out of PS. Case No.-4021 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Smt. Simran Kumari D/O Sri Sonu Singh @ Md. Firoz @ Sonu Paswan R/O Nepali Nagar 90 feet Road near Kali Mandir Road, P.S.- Rajeevnagar, Dist. - Patna. At present Residing at Block No. 10 MIG Sector 9 Bhootnath Road, P.S.- Agamkuan, Dist- Patna
 2. Sonu Singh @ Sonu Paswan @ Md. Firoj S/O Md. Taslim R/O Nepali Nagar 90 feet Road near Kali Mandir Road, P.S.- Rajeevnagar, Dist. - Patna. At present Residing at Block No. 10 MIG Sector 9 Bhootnath Road, P.S.- Agamkuan, Dist- Patna
 3. Sanjeevan Kumar S/O Sonu Singh @ Sonu Paswan @ Md. Firoj R/O Nepali Nagar 90 feet Road near Kali Mandir Road, P.S.- Rajeevnagar, Dist. - Patna. At present Residing at Block No. 10 MIG Sector 9 Bhootnath Road, P.S.- Agamkuan, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumar Shashi Kant S/O Lalan Prasad Gupta R/O Red Carpet the Party Palace, Asiana, Digha Main Road, P.S- Rajeev Nagar, Distt.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar
For the Opposite Party/s	:	Mr. Shailendra Kumar
For the O.P. No. 2	:	Mr. Kamlesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 23-10-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Complaint Case No. 4021 (C) of 2023, disclosing offences under Sections 406, 420, 506 of the Indian Penal Code.
3. The allegation made in the complaint is that the petitioners approached the complainant and offered her to sell



her house upon which the complainant became desirous to purchase the house of petitioner no. 1. The price of the house was fixed at Rs. 37.50 lacs for which an agreement for sale was executed. The complainant paid a sum of Rs. 7.50 lacs through cheque and cash which has been acknowledged in the agreement for sale by the petitioner no. 1. The complainant again paid a sum of Rs. 10 lacs to the father of the petitioner no. 1 in cash but despite having received the advance amount, the sale deed of the house/land in question has not been executed and the petitioners have refused to return the money also.

4. Learned Counsel for the petitioners submits that they have not committed any offence in the manner alleged and upon perusal of the complaint, no case of criminal nature is made out. He further submits that in fact, the price of the house, which is G + 2, situated in Rajeev Nagar, was decided at Rs. 81 lacs. The petitioners are ready to refund a sum of Rs. 7.50 lacs to complainant within a period of six months by way of three equal installments.

5. On the other hand, learned counsel for the informant/O.P. No. 2 vehemently opposes the prayer for bail and submits that the petitioners, after having received the money for sale of the house in question fraudulently, refused to execute the



sale deed and also refused to refund the advance money of Rs. 17.50 lacs to the complainant. Learned counsel next submits that Rs. 10 lacs was given in cash to the father of petitioner no. 1 for which her father has given the acknowledgment receipt which is at the back side of the agreement for sale. Learned counsel further submits that, however, the offer made by the petitioners, to refund Rs. 7.50 lacs, is accepted without prejudice to the right and contention of the O.P. No. 2 to claim a sum of Rs. 10 lacs paid in cash in favour of the father of the petitioner no. 1 under receipt in accordance with law.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation, I am inclined to grant the petitioners privilege of anticipatory bail subject to payment of a sum of Rs. 7.50 lacs to the complainant/O.P. No. 2 within a period of six months in three installments of Rs. 2.50 lacs each. Out of the aforesaid amount Rs. 7.50 lacs, the amount of Rs. 2.50 lacs i.e., first installment, shall be paid by the petitioners to O.P. No. 2 within four weeks by way of bank draft prepared in the name of O.P. No. 2/Complainant. The balanced amount shall be paid by way of two installments of Rs. 2.50 lacs.

7. This application is, accordingly, allowed with the



abovementioned condition.

8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks, 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, Patna, in connection with Complaint Case No. 4021 (C) of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure and payment of Rs. 7.50 lacs within a period of six months and at the time of furnishing the bail bonds, the petitioners shall produce the receipt of payment of first installment in favour of O.P No. 2.

(Anil Kumar Sinha, J)

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