

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71730 of 2024

Arising Out of PS. Case No.-249 Year-2023 Thana- DIDARGANJ District- Patna

Ram Singar Singh S/o- Ram Chandra Singh Village- Dihra PS- Chandi, Dist-
Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Ms. Soni Kumari, Advocate.
For the State : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-10-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Didarganj P.S. Case No. 249 of 2023 dated
01.08.2023 registered for the offences punishable under
Sections 420, 406, 504 read with Section 34 of the Indian Penal
Code.

3. As per allegation, the informant was to purchase a
parcel of land belonging to one Upendra Kumar for a sum of
Rs.17,00,000/- for which he paid Rs. 11,00,000/- to the
petitioner, Ram Singar Singh, co-accused Sunil Kumar and
Upendra Kumar. Out of which, Rs.6,00,000/- was given to
Upendra Kumar by the petitioner and Sunil Kumar. However,
the informant came to know that there is no clear title of the



Upendra Kumar in the land for which he had paid the money. On demand, they are not giving back the money and they are threatening to destroy the life.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has got no criminal antecedent and he has no way involved in the alleged offence. No money has been given by the informant to the petitioner. He also submits that the FIR has been lodged after delay of more than one year. Moreover, there is no proof whatsoever regarding payment of the alleged money of Rs.11,00,000/- to the petitioner or any co-accused. Even there is no document which was allegedly prepared has been Annexed by the informant along with the First Information Report. The whole case is false and concocted.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has got no criminal antecedent.

7. Learned counsel for the informant and learned APP for the State, however, vehemently oppose the prayer of the



Petitioner for bail submitting that the informant has been cheated of Rs.11,00,000/- because in the name of sale of the land, the petitioner and co-accused have received the money of Rs.11,00,000/- and they are not giving back the money in question despite demand by the informant. They further submit that Upendra Kumar and Sunil Kumar have returned Rs.6,00,000/- and Rs.2,50,000/- respectively. However, the complainant has no documentary proof of such return of money from co-accused of the petitioner.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Smt. Somya Shekhar, learned Judicial Magistrate 1st Class, Patna City, in connection with Didarganj P.S. Case No. 249 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court



below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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