

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76296 of 2024

Arising Out of PS. Case No.-353 Year-2022 Thana- SARAI RANJAN District- Samastipur

1. Sanjeev Ray S/o- Laxmi Ray R/o- Suryatandha Rewari Tola, Police station- Ujiarpur District-Samastipur
2. Rambabu Sharma Son of Ram Lakhan Sharma Village- Suryatandha Tola, Malpur Ps- Ujiarpur Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Ahmad Ali, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-11-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 379, 363, 365, 406, 384, 386, 504, 506, 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that, on the proposal of petitioner no.1, the informant kept the petitioner no.1's chicken in his poultry farm. Despite the promise made at the time of proposal, the informant was not paid his share of profit gained. However, on the date of occurrence, the informant was asked to come at the shop of the petitioners and take his share.



When the informant reached there and asked about his share, the accused persons started abusing and locked him in a room and told him to call his family to bring cheque book otherwise he will be killed. On threat, witness no.1 came there with cheque book. The accused persons are said to have taken signature of the informant on four cheques and Rs. 5,000/- from the pocket of the informant as well.

4. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. No such occurrence as alleged has ever taken place. They have falsely been implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. There is dispute regarding money transaction between the parties. It is further submitted that petitioners have neither cheated the informant nor committed any offence as alleged in the FIR. The real fact is that when some cheques provided by the informant got dishonoured by the bank, petitioner no.1 filed complaint case under Section 138 of the N.I. Act against the informant and thereafter only with a view to save his skin in the above mentioned complaint case, the informant filed this false case against the petitioners. Learned counsel further submits that



petitioners have no criminal antecedent as mentioned in para-3 of this application.

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

6. Having regard to the facts and circumstances of the case, since there is civil 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 Sarai Ranjan P.S. Case No. 353 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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