

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75570 of 2024

Arising Out of PS. Case No.-101 Year-2024 Thana- DARBHANGA District- Darbhanga

1. Anil Kumar Choudhary S/O Late Ganesh Choudhary R/O Ward No - 12, Lalbag, G.M Road, P.S.-Darbhanga (Town) ,Distt.- Darbhanga.
2. Soni Choudhary Wife of Sri Anil Kumar Choudhary R/O Ward No - 12, Lalbag, G.M Road, ,Distt.- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sujit Kumar Bajaj S/O Nathmal Bajaj R/O Mohalla Jeetugachhi,P.S.- Darbhanga (Town) ,Distt.- Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binodanand Mishra, Adv.
For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-11-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Section 323, 341, 406, 420, 504, 506 and 34 of Indian Penal Code.

3. As per the FIR, the allegation against the petitioners is that after receiving the consideration money of Rs. 17,90,000 from the informant they executed the sale deed in favour of other persons and did not return the aforesaid amount to the informant.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and has been falsely implicated in this case. As a matter of fact the petitioner had not taken advance of Rs.8,00,000/- for sale of his land rather informant had given loan for doing contract work of mobile tower and as per terms and conditions petitioner Anil Kumar Chaudhary starts refunding payment from next month into account given by the informant and paid Rs.6,18,300/- as yet into account number of the informant. He submits that the petitioners are ready to pay the rest amount of Rs. 86,700/- to the informant. He further submits that the petitioners have no criminal antecedent as stated in para-3 of the bail application.

5. Learned counsel for the informant as well as learned counsel for the State vehemently opposed the bail application.

6. Considering the facts and circumstances of the case and the fact that it is civil/money dispute between the parties and the petitioners are ready to return amount of Rs.86,700/- to the informant within three months, let the above named petitioners, be released on **provisional bail for a period of six months**, 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 court below where the case is pending/Successor Court in connection with Town P.S. Case No. 101 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. Learned Court below is directed to confirm the provisional bail of the petitioners after returning the aforesaid amount to the informant within a period of six months.

(Anjani Kumar Sharan, J)

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