

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78835 of 2024

Arising Out of PS. Case No.-272 Year-2021 Thana- KALYANPUR District- East Champaran

1. Rajesh Kumar Singh @ Rajesh Kumar son of Late Baccha Singh Village - Kalyanpur Tola, Alaula, Ps- Kalyanur, dist- East champaran
2. Sanjay Singh @ Sanjay Kumar Singh son of Late Tej Narayan Singh Village - Kalyanpur Tola, Alaula, Ps- Kalyanur, dist- East champaran
3. Raju Prasad Yadav Son of Lalan Yadav Village - Kalyanpur Tola, Alaula, Ps- Kalyanur, dist- East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.Iii
For the Opposite Party/s : Mr. Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 04-12-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Kalyanpur Police Station Case No. 272 of 2021, disclosing offences under Sections 323, 504, 406, 417 of the Indian Penal Code.
3. As per the FIR, informant has alleged that her husband had given to the accused persons Rs. 5,00,000/- out of the agreed amount of Rs. 10,00,000/- for his permanent engagement on the post of a clerk in a high school. They had also taken the signature of her husband on stamp paper but the



accused person did not fulfill the assurance. It is further alleged by the complainant that when she went to the door of accused petitioners and requested to refund of the amount and the signed documents they assaulted her and her husband and snatched her Mangalsutra and the watch as well as cash of Rs. 5200/- of her husband.

4. Learned Counsel for the petitioner submits that petitioners are innocent and have falsely been implicated in this case. The present case has been filed as a counter blast to Kalyanpur P.S. Case No. 255 of 2021 which has been lodged nineteen days prior to the present case. In fact, informant's husband had taken a sum of Rs. 40 lacs from petitioner no. 1 to sell his land but he failed to execute the sale deed. Hence, for the return of the consideration amount he acknowledged the payment and also given three cheques altogether valued at Rs. 29,00,000/- but the cheques were dishonored and for which Kalyanpur P.S. Case No. 255 of 2021 has been lodged. The prayer of the anticipatory bail of informant's husband has been rejected by the Hon'ble High Court in Cr. Misc. No. 59346 of 2022 and subsequently, the husband of the informant has executed an agreement dated 15.05.2020 at mediation center Patna High Court to pay the amount of Rs. 40,00,000/-in



installments. The photocopy of the said agreement is enclosed with bail petition. The husband of the complainant now has been declared absconder in the aforesaid case.

5. On the other hand, learned counsel for the State opposes the prayer for bail and submits that ABP No. 3245/2021 earlier filed by the petitioners has been dismissed as withdrawn vide order dated 14.03.2022 and on that date the investigation was not completed. The final form has been submitted on 22.07.2022. The petitioners themselves withdrawn the anticipatory bail petition in anticipation that final form will be submitted in future. The second anticipatory bail application is not maintainable.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the ABP no. 3245/2021 preferred by these petitioners has been dismissed as withdrawn vide order dated 14.03.2022. The final form has been submitted. However, the learned Magistrate vide its order dated 02.04.2024 differing with the police report found prima facie case under Section 323, 504, 406, 417 IPC against the accused persons and has taken the cognizance of the offence and issued summons against them, I am not inclined to grant anticipatory bail to the petitioners.



7. This application is, accordingly, rejected.

8. However, if the petitioners surrender and seek regular bail, the same may be considered on the same day without being prejudiced to the fact that present application for anticipatory bail has been rejected.

(Anil Kumar Sinha, J)

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