

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.788 of 2024

Arising Out of PS. Case No.-407 Year-2022 Thana- SHEKHPURA COMPLAINT CASE
District- Sheikhpura

1. PRAKASH PASWAN Son of Kailash Paswan R/o vill - Dalhar Ariyari, Distt. - Sheikhpura
2. Kailash Paswan Son of Shankar Paswan R/o vill - Dalhar Ariyari, Distt. - Sheikhpura
3. Sanju Devi W/o Prakash Paswan R/o vill - Dalhar Ariyari, Distt. - Sheikhpura
4. Nisha Devi D/o Prakash Paswan R/o vill - Dalhar Ariyari, Distt. - Sheikhpura
5. Manisha Devi D/o Prakash Paswan R/o vill - Dalhar Ariyari, Distt. - Sheikhpura
6. Gorelal Paswan S/o Ramroop Paswan R/o vill - Dalhar Ariyari, Distt. - Sheikhpura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar, Advocate.

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 08-05-2024 Heard Mr. Satish Kumar, learned counsel appearing on behalf of the petitioners and Mr. Sanjay Kumar Singh, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Complaint Case No. 407c/2022 registered for the offence punishable under Sections 406 and 420 of the Indian Penal Code.

3. As per the allegation made in the F.I.R., the



petitioners, who are six in number, agreed to sell certain piece of land to the complainant and had received Rs.2,00,000/- (Rupees two lacs) on a non-judicial stamp from the complainant and thereafter, three lacs was also paid to the petitioners.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are ready to return the money which they have received from the complainant and the offence as alleged in the complaint don't constitute a criminal act. The complainant instead of resorting to civil remedy, just to put pressure on the petitioners, has lodged the present case.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Having heard the rival submissions made on behalf of the parties, it is admitted by the parties that Rs.2,00,000/- has been accepted by the petitioners at the time of agreement and thereafter, Rs.3 lacs was also paid to the petitioners. If the petitioners return the admitted amount to the complainant within a period of six weeks, the petitioners, above named, be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of



learned C.J.M., Sheikhpura in connection with Complaint Case No. 407c/2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. In case of failure, the order will lose its force automatically.

8. The bail application, accordingly, stands disposed of.

(Purnendu Singh, J)

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