

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83388 of 2023

Arising Out of PS. Case No.-150 Year-2023 Thana- JOGAPATTI District- West Champaran

1. AKHILESH OJHA S/O LATE SHAMBHU SHARAN OJHA VILLAGE-MURLI, PS. SHIKARPUR, DIST. WEST CHAMPARAN.
2. VIJAY KUMAR MISHRA S/O LATE JAGAT MISHRA VILLAGE-HATHIA TOLA, DEOGHARWA, PS. JOGAPATTI, DIST. WEST CHAMPARAN.
3. SANJAY PANDEY @ SANJAY KUMAR PANDEY S/O LATE AWDESH PANDEY VILLAGE- BANKAT MUSHAHRI, PS. MAJHAULIA, DIST. WEST CHAMPARAN.

... .. Petitioner/s

Versus

1. The State of Bihar
2. ANIMESH CHAUBEY S/O LATE KRISHNA CHAUBEY VILLAGE-VISHRAMPUR, PS. JOGAPATTI, DIST. WEST CHAMPARAN.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sagar Kumar , Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 18-04-2024 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 420, 406 and 34 of the Indian Penal Code .

3. As per the prosecution case , petitioner offered to transfer a piece of land in favour of Gulab Devi for consideration money to the tune of Rs. 36,00000/- (thirty six lacs), on 21.11.2022 and thereafter they took Rs. 5,00000/- (five



lacs) in advance and took Rs. 11,00000/- (eleven lacs) on 17.01.2023 and altogether received Rs. 16 lacs. It is further alleged that they executed the agreement on stamp paper and a plain paper but they neither transferred the land in question in his favour nor returned the alleged money .

4. It is submitted on behalf of the petitioners that the they are innocent and are simply victims of false implication in the case , which appears to have been lodged in retaliation to and reprisal of the complaint case No. 876 of 2023 u/s 420 of the IPC and 138 of the Negotiable Instrument Act (for brevity , N . I. Act) filed by *Premchandra Mishra*, the full brother of the petitioner No. 2 *Vijay Kumar Mishra* on 13.04.2023 against *Amit Kumar Chaubey* and *Animesh Chaubey* and thereafter on 17.04.2023 , the present case was lodged. Moreover, the dispute is purely of civil in nature and opposite party No. 2 has got alternative remedy for the redressal of his grievances.

5. Learned counsel for the State oppose the bail petition.

6 Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioners, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each



with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate , West Champaran at Bettiah in connection with Jogapatti P.S. Case No. 150 of 2023 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

Koushik/-

U		T	
---	--	---	--

