

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85926 of 2023

Arising Out of PS. Case No.-645 Year-2022 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Anita Devi Wife of Subodh Kumar Ojha Resident of village Khabra PS sadar
District Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sikandar Prasad Singh Son of Late Geeta Singh At present Resident of
Village- Bihar University, Flat No. 2/29, P.S. University, District-
Muzaffarpur.

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 85930 of 2023

Arising Out of PS. Case No.-645 Year-2022 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

- =====
1. Subodh Kumar Ojha Son of Late Krishnndeo Ojha @ Garibnath Ojha
Resident of village Khabra PS Sadar District Muzaffarpur
 2. Ranvir Kumar @ Raushan Kumar Son of Subodh Kumar Ojha Resident of
village Khabra PS Sadar District Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sikandar Prasad Singh Son of Late Geeta Singh At present R/o vill - Bihar
University, Flat no. 2/29, P.S. - University, Distt. - Muzaffarpur

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 85926 of 2023)

For the Petitioner/s : Mr.Shanti Bhushan Singh, Adv.

For the Opposite Party/s : Mr.Atul Chandra, APP.
Mr. Chandra Shekhar, Adv.
Mr. Anand, Adv.
Ms. Rashmi Kumari, Adv.
Ms. Puja, Adv.

(In CRIMINAL MISCELLANEOUS No. 85930 of 2023)

For the Petitioner/s : Mr.Shanti Bhushan Singh, Adv.

For the Opposite Party/s : Mr.Atul Chandra, APP.
Mr. Chandra Shekhar, Adv.
Mr. Anand, Adv.
Ms. Rashmi Kumari, Adv.
Ms. Puja, Adv.



CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-01-2024 As both these bail applications have cropped up from the same police station case number, hence, with consent of parties, they are being heard together and disposed of by this common order.

2. Heard learned counsels for the parties.

3. Learned counsel for the petitioners have filed the supplementary affidavits in both cases.

4. Let it be kept on record.

5. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406, 420, 201/34 of the Indian Penal Code.

6. Allegedly, all the accused persons including the petitioners are said to have committed fraud with the informant by taking a large amount of money i.e. Rs. 8,80,000/- on the pretext of registration of the said land in his favour, but they neither registered the land in question in favour of the informant nor returned the money till now.

7. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. They have been falsely implicated in this case due to ulterior motive.



The allegation levelled against the petitioners is totally false and based on concocted facts. There is civil dispute between the parties. No any independent witness has supported the allegation attributed against the petitioners. It is further submitted that petitioners are ready to return Rs. 8,80,000/- to the informant in installments. Learned counsel for the informant has no objection regarding the same. Petitioners, namely, Subodh Kumar Ojha and Anita Devi have one criminal antecedent, whereas petitioner, namely, Ranvir Kumar has two criminal antecedents, as mentioned in the supplementary affidavit.

8. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail.

9. Having regard to the facts and circumstances of the case, 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 Sadar P.S. Case No. 645 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



10. After full and final payment of Rs. 8,80,000.00 (Rupees Eight Lakh Eighty Thousand) to the informant, the provisional bail of the petitioners will be confirmed by the learned Court below.

11. Accordingly, these applications stand disposed of.

(Anjani Kumar Sharan, J)

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