

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9272 of 2024

Arising Out of PS. Case No.-1072 Year-2019 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Indu Devi (F) aged about 62 years, Wife Of Suresh Sharma
 2. Neeraj Kumar (M) aged about 38 years, Son Of Suresh Sharma, both
Resident Of Village- Siwan, P.S.- Pauthu, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-02-2024 Heard Mr. Brij Bihari Tiwary, learned counsel
appearing on behalf of the petitioners and Mr. Ashok Kumar
Singh, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Complaint Case No. 1072 of 2019 registered for the
offence punishable under Sections 420/34 of the Indian Penal
Code.

3. As per the allegation made in the FIR, on the basis
of the documents of land registered in the name of informant's
mother relating to Khata No. 213 and 87 appertaining to Plot
No. 9, the petitioners had taken loan in the name of informant's
mother.

4. Learned counsel appearing on behalf of the



petitioners submitted that the allegation of fraud as alleged against the petitioners, is not sustainable considering the fact that the amount was credited into the account of one Hitesh Kumar. The sole responsibility of causing loss to the informant is on the officials of the bank, who have transferred and credited the amount into the bank account of Hitesh Kumar on the basis of documents submitted by him and have been verified by the bank officials and in this regard, he has made a specific statement in paragraph no. 6 of the bail application. Petitioner no. 1 has clean antecedent and petitioner no. 2 has one antecedent in connection with Pauthu P.S. Case No. 14 of 2015 registered under Sections 409 and 420 of the Indian Penal Code. On these grounds, petitioners seek to be released on pre-arrest bail.

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

6. Having considered the rival submissions made on behalf of the parties, as well as, specific statement has been made in paragraph no. 6 of the bail application that the fraud amount have been credited into the bank account of one Hitesh Kumar. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.



7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gaya, in connection with Complaint Case No. 1072 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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