IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5677 of 2025

Arising Out of PS. Case No.-352 Year-2023 Thana- BACHHWARA District- Begusarai

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1. Alok Kumar Singh @ Alok Kumar Son of Late Shailendra Kumar Singh Village -Chandpura (Chandpura Chakmakrand), ward no1, PS - Bidupur, District- Vaishali
2. Akshchat Kumar @ Akchat Aashis @ Akshat Aashish @ Akchhat Aashis Son of Alok Kumar Singh @ Alok Kumar Village -Chandpura (Chandpura Chakmakrand), ward no1 PS -Bidupur District- Vaishali

... ... Petitioner/s

Versus

1. The State of Bihar
2. Prince Kumar S/O Dinesh Rai R/O- village- Bishanpur, P.S- Bachhwara, Dist- Begusarai.

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Adv.
For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP
For the Informant/OP No.2: Mr. Subhesh Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

4 23-07-2025 Heard Mr. Sandip Kumar Gautam, learned counsel for the petitioners, Mr. Uma Shankar Pd. Singh, learned APP and Mr. Subhesh Pandey, learned counsel representing the informant/OP No.2.

2. The petitioners are apprehending their arrest in connection with Bachhwara PS Case No. 352 of 2023 dated 06.11.2023 having been registered under Sections 420, 406, 467, 468, 471, 120(B) of the IPC.

3. As per the prosecution case recorded in Complaint-cum-First Information Report, the informant namely, Prince Kumar/Opposite Party No.2 was preparing for competitive

examination and came in contact with the petitioners who used to visit his village to meet his neighbours. The petitioners told the informant that they would arrange a government job for him as they are Government officials and working as Director of International Direct Anti-Corruption Foundation Ministry, NITI Ayog under the Government of India and showed their identity cards to the informant. The petitioners demanded Rs. 13 Lacs in lieu of securing a Government job for the informant. It has further been alleged that the informant transferred a sum of Rs. 12,65,000/- to the accused persons by way of various transactions and UPI for the job and when the job was not provided, the informant demanded his money back, upon which, the petitioner no.1 returned Rs. 6,50,000/- and told him that the remaining amount would be returned but the same has not been returned.

4. Learned counsel for the petitioners submits that they are innocent and have falsely been implicated in the present case on the basis of concocted and frivolous story. The petitioner no.2 has been implicated in this case only because he is the son of petitioner no.1. The real story is that the informant visited Kolkata where the petitioners reside for their livelihood through his brother Samar Rai. The informant proposed the

petitioners that he was willing to sell 01 Bigha of his village land with his father's consent for a sum of Rs. 50,00,000/- (Fifty Lacs). He said that the land is in the name of his mother. The petitioner no.1 visited the informant's village in December, 2019, met with his parents where the proposed plot was shown to petitioner no.1 and the land document was shown in the name of Subhadra Devi who is mother of the informant. On the representation of the informant, the petitioner no.1 agreed to purchase the land and wanted to make payments through bank mode, upon which the informant with dishonest intention told the petitioner no.1 that he has a Jandhan Bank account in his name and cannot accept such a huge amount, accordingly, starting from 2019 till January, 2020, the petitioner no.1 paid him the total sum of amount of Rs. 42,85,000/- on different dates and the balance amount of Rs. 7,15,000/- was to be paid at the time of registry of the land. After receipt of the money, the informant did not contact the petitioners. The petitioners, time and again, requested him to execute the sale-deed but the same was not executed on one pretext or the other. In April, 2020 for the first time, the informant revealed that the proposed land was a joint family property and is in the name of his grandfather. The petitioners, after hearing this, went in shock and came to know that the land is in the name of Asharfi Rai. Thereafter, the petitioners met Asharfi Rai who assured to settle the issue. The petitioners asked the informant to return the money, upon which the informant refunded a sum of Rs. 6,50,000/- to petitioner no.1 through bank mode.

5. On 03.09.2020, the informant declared on the stamp paper regarding his undertaking to sell a piece of land in favour of the petitioners for which he has already taken a sum of Rs. 42,85,000/- and further declared that the sale deed of the said land would be executed through his mother after receipt of 7,15,000/-. The informant gave a post dated cheque of Rs. 20,00,000/- having the date of 02.03.2022 in the name of petitioner no.1 as guarantee. When petitioner no.1 realized that he has been cheated, he presented the said post dated cheque of Rs. 20,00,000/- given by the informant, Prince Kumar as security for encashment through his IndusInd Bank on 29.04.2022, the cheque got dishonoured on account of the insufficient fund. The petitioners immediately issued a legal notice to the informant on 03.05.2022 for return of the amount but the informant just ignored the legal notice and instead of returning the amount, the informant lodged a false Complaint-cum-FIR against the petitioners on 28.05.2023.

6. Mr. Subhesh Pandey, learned counsel appearing for the informant vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the allegation against the petitioners is serious in nature. The petitioners obtained signature of the informant on blank stamp paper and fraudulently a document/agreement (Annexure-2) has been prepared. The petitioners have failed to produce any agreement for sale of the land and a false story has been created by the petitioner that there was an agreement between the parties for sale of one Bigha land. Annexure-2 claiming to be an agreement cannot be said to be an agreement for sale. However, the petitioners failed to bring on record any chit of paper to show that there was a sale agreement between the parties. Lastly, it has been submitted that the petitioners have got criminal antecedent.

7. Having regard to the submissions made by the parties, taking into consideration the material on record and the fact that pursuant to agreement a declaration dated 03.09.2020 was made by the informant, a post dated cheque of Rs. 20,00,000/- was given by the informant in favour of petitioner no.1 having the date of 02.03.2022 which got dishonoured and the fact that after issuance of legal notice by the petitioners, the present complaint-cum-FIR has been

lodged and further the fact that the custodial interrogation of the petitioners may not be necessary for the purpose of investigation, I am inclined to grant the privilege of anticipatory bail to the petitioners.

8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Bachhwara PS Case No. 352 of 2023, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

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