

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12731 of 2025

Arising Out of PS. Case No.-490 Year-2023 Thana- GAYA KOTWALI District- Gaya

1. Sanjukta Sinha W/o- Late Shambhu Sharan Sinha Resident of Mohalla-
Ramdhanpur Pipal Gali PS-Kotwali, Dist- Gaya
2. Gunjan Sharan Sinha S/o- Late Shambhu Sharan Sinha Resident of Mohalla-
Ramdhanpur Pipal Gali PS-Kotwali, Dist- Gaya
3. Rajan Sinha @ Ranjan Sinha S/o- Late Shambhu Sharan Sinha Resident of
Mohalla- Ramdhanpur Pipal Gali PS-Kotwali, Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Kumar S/o- Late Ramchandra Prasad Resident of Mohalla-
Ramdhanpur Pipal Gali PS-Kotwali, Dist- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajit Ranjan Kumar, Advocate
For the Opposite Party/s	:	Mr. Abhay Kumar Roy, A.P.P.
For the Informant	:	Mr. Kaushal Kishor, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 14-07-2025 Heard Mr. Ajit Ranjan Kumar, learned counsel for the petitioners, Mr. Kaushal Kishor, learned counsel for the informant and Mr. Abhay Kumar Roy, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kotwali P.S. Case No. 490 of 2023, F.I.R. dated 11.08.2023 for the offences punishable under Sections 406, 420/34 of the Indian Penal Code.

3. According to prosecution case, the agreement of sale of land was made between informant and his friend with



petitioner no. 1, Sanjukta Sinha. Her three sons were made witnesses in the agreement for sale for which the informant gave Rs. 20,00,000/- (Rupees Twenty Lakhs) to the petitioners. On 22.09.2019, informant gave Rs. 8,00,000/- (Rupees Eight Lakhs) to the petitioner no. 1 in the presence of her three sons and made signature on the back side of the agreement paper and her three sons made signature as witnesses. As such, the petitioners received total Rs. 28,00,000/- (Rupees Twenty Eight Lakhs) from the informant, in the meantime, the petitioners refused to sell the said land. It is further alleged that petitioners have returned Rs. 20,00,000/- (Rupees Twenty Lakhs) and they have promised to return remaining amount but they have not given any acknowledgment receipt thereof.

4. Learned counsel for the petitioners submit that petitioners have clean antecedent and they have falsely been implicated in the present case. As per allegation in the F.I.R., the petitioners have received Rs. 28,00,000/- (Rupees Twenty Eight Lakhs) for execution of sale deed but they have not executed the sale deed in question. Learned counsel for the petitioners submit that due to some technical reason, the petitioners have not executed the sale deed in question in favour of the opposite party no. 2 and the petitioners have returned the entire amount



which they have received from the opposite party no. 2 i.e. Rs. 28,00,000/- (Rupees Twenty Eight Lakhs) and the petitioners have annexed the receipt of Rs. 8,00,000/- (Rupees Eight Lakhs) which suggests that the opposite party no. 2 have received Rs. 8,00,000/- (Rupees Eight Lakhs), apart from Rs. 20,00,000/- (Rupees Twenty Lakhs) from the petitioners.

5. Learned counsel for the informant, on the other hand, has vehemently opposed the prayer for bail of the petitioners and submits that he has received only Rs. 20,00,000/- (Rupees Twenty Lakhs) from the petitioners.

6. Considering the aforesaid facts and circumstances, the petitioners have clean antecedent and the petitioners have returned all the amount received from the opposite party no. 2, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Chief Judicial Magistrate, Gaya in connection with Kotwali P.S. Case No. 490 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure /Section 482(2) of the Bhartiya Nagarik



Suraksha Sanhita and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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