

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29197 of 2024

Arising Out of PS. Case No.-1128 Year-2022 Thana- GAYA COMPLAINT CASE District-
Gaya

1. Preeti Rani W/O Ashish Kumar R/O Village- Sheo Nagar Colony, P.S-
Delha, Distt.- Gaya.
2. Ashish Kumar S/O Vijay Kumar R/O Village- Sheo Nagar Colony, P.S-
Delha, Distt.- Gaya.
3. Suvigaya Kumar @ Surigy Kumar @ Uvsigy Kumar S/O Sanjay Kumar
R/O Near Hanuman Temple, Ward No. 6, P.S- Nasriganj, Distt.- Rohtas.
4. Seema Devi W/O Sanjay Kumar R/O Village- Nasirganj, Near Hanuman
Temple, Ward No.-6, P.S- Nasriganj, Distt.- Rohtas.
5. Rajesh Kumar S/O Late Kanhaiya Prasad R/O Village- Near Hanuman
Temple, Ward No.-6, P.S- Nasriganj, Distt.- Rohtas.
6. Rupesh Kumar S/O Late Kanhaiya Prasad R/O Village- Near Hanuman
Temple, Ward No.-6, P.S- Nasriganj, Distt.- Rohtas.
7. Ritu Raj S/O Ravi Kumar R/O Ward No-08, P.S- Nasriganj, Distt.- Rohtas.
8. Vijay Kumar S/O Late Vishwanath Prasad R/O Sheo Nagar Colony, P.S-
Delha, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate
For the Opposite Party/s : Ms/Mrs. Pushpa Sinha.1, A.P.P.
Mr. Anil Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

9 21-01-2025 Heard learned counsel for the petitioners, the State

and the complainant. Despite efforts of the Mediator, dispute

could not be resolved vide Mediator's report dated 14.11.2024.

2. Petitioners apprehend arrest in a case registered for

the offence punishable under sections 406 and 420 of the Indian

Penal Code.

3. As per the prosecution case, complainant who is



one of the directors of Ramchand Ram Ramcharitra Shah Oil and Rice Mill Private Limited Delha, Gaya, under the influence of petitioner no. 8 Vijay Kumar, decided to sale some land of the Mill to raise fund for development of the Mill. Petitioners are either director or family members of the director's son or son of the Manager. They began to induce the complainant to sale the landed property of the Mill for which they were ready to give market value. Due to consistent inducement of these petitioners, it was decided through regulation that three of the directors, namely, Ram Nath Prasad, Surendra Kumar Bhadani and Vijay Kumar were authorized to execute sale deed along with any one director from the aforesaid three names. Thereafter, petitioners requested to sale the land of the Mill in their favour at a lesser price but the complainant was not ready to do so. Thereafter, consideration amount of the land was agreed as per sale deeds and accordingly, sale deeds were executed later in favour of the accused persons on different dates with the complainant. Prior to the execution of sale deed, accused petitioners began to induce the complainant and other directors, namely, Surendra Kumar Bhadani to execute the sale deeds after taking cheques of consideration amount payable in account of Ram Ramchand Ram Ramcharitra Shah Oil and Rice Mill Private Limited Vide



A/C No. 2003201012142 of Canara Bank, Bajaja Road Branch, Gaya.

4. It is further alleged that the complainant and other director Surendra Kumar Bhadani were not ready to execute sale deed upon said term but due to constant inducement by petitioner no.8, complainant and Surendra Kumar Bhadani executed some sale deed by taking cheques of manager Jaipal Narayan. Unfortunately, manager died on 5.5.2022, thereafter, complainant made enquiry regarding encashment of cheques given by petitioners. Complainant shocked to know that most of the cheques were not presented to the bank for encashment, while cheques which were presented to the bank were dishonoured.

5. It is submitted on behalf of the petitioners that petitioners are innocent and have falsely been implicated in this case. petitioners have purchased the land of the Rice Mill on payment of entire consideration money by way of cheques, as such, allegation under section 420 IPC is not made out against them. A copy of sale deeds as well as the payment details are contained in annexure 2 to the bail petition. Besides this, petitioners have neither misappropriated or converted to their own use the property of the complainant, nor they have



dishonestly used or disposed of the property of the Rice Mill in violation of law. From bare perusal of the complaint, it appears that case of criminal breach of trust is also not attracted against these petitioners. It is also the case of the petitioners that allegations levelled against these petitioners are of a civil nature for which already Title Suit No.160 of 2022 has been filed by the Company. Petitioners claim clean antecedent.

6. Learned counsel for the State and the opposite party no.2 oppose the prayer for bail. Learned counsel for opposite party no.2 submits that some of the cheques have been dishonoured and most of the cheques have not been presented in the bank, which goes to show that prima-facie offence u/s 420 L.P.C. is made out against the petitioners. Non-judicial stamp papers have been purchased in the name of Surendra Kumar Bhadani and Ravi Kumar and all the sale deed have been executed by Vijay Kumar (Petitioner No. 8) and in all sale deed Late Jaipal Narayn, manager of the company has signed as identifier which goes to show that the land of the companies has been grabbed by the petitioners in a planned way. Learned counsel submits that considering the multitude of amount involved in the crime, petitioners do not deserve pre-arrest bail.



7. Considering the fact that the dispute appears to be of civil nature for which title suit is already pending before the court below and petitioners have got clean antecedent, prayer for bail of all the petitioners is allowed. In the event of arrest/surrender within eight weeks from today, let these petitioners, mentioned 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 Chief Judicial Magistrate, Gaya in Complaint Case No. 1128/2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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