

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26707 of 2025

Arising Out of PS. Case No.-531 Year-2022 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Pratima Devi Wife of Mohan Sharma @ Mohan Thakur village- Shankar Saraiya Kaswa Tola P.S- Turkaulia Dist- East Champaran
 2. Mohan Sharma @ Mohan Thakur Son of Late Bhukhal Thakur village- Shankar Saraiya Kaswa Tola P.S- Turkaulia Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pramod Kumar Sharma son of Prabhu Nath Thakur village- Teketa, PS- Turkauliya, Dist- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anshul Aryan, Adv. Mr. Aditya Raj Singh, Adv.
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Complaint Case No. 531 of 2022, instituted for the offence punishable under Sections 420, 406, 120B, 194, 195 of the Indian Penal Code and Section 138 of the N.I. Act.

3. The allegation against both the petitioners is that they went to house of the complainant and requested for Rs. 2 lakh as loan against three *katthas* land. The complainant paid Rs. 2 lakh to both petitioners and petitioner no. 1 is said to have executed an agreement on the revenue stamp paper. It is further alleged that neither they gave land nor returned the said amount



and also threatened to implicate the complainant in a false case.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that petitioner no. 1 is the wife of petitioner no. 2 and the informant is the husband of sister of petitioner no. 1. It is submitted that as per the complaint, the petitioners requested for 2 lakhs of loan against 3 *katthas* land. In this regard, as alleged, an agreement was entered between Pratima Devi (petitioner no. 1) and her husband (petitioner no. 2) with the complainant and a note of assurance was allegedly written by Pratima Devi, who admitted about the loan of Rs. 2 lakhs against 3 *katthas* land to be executed in favour of Pramod Kumar Sharma (complainant). It is submitted that it is apparent from so called agreement that no signature of Pratima Devi (petitioner no. 1) was put on the said document. It is also submitted that the said agreement is forged and fabricated and the petitioners have not taken any loan against 3 *katthas* of land. It is also submitted that there is dispute between the sister of the petitioner no. 1 and Pramod Kumar Sharma (complainant). It is further submitted that in this regard a case bearing Complaint Case No. 1424 of 2021 and another case bearing Maintenance Case No. 263 of 2023 has been lodged by the Chanda Devi



(sister of the petitioner no. 1) and the petitioners being relative tried to settle the dispute which led to this false and fabricated allegation against them. It is next submitted that the allegation against the petitioners are purely civil in nature. Lastly, it has been submitted that they have no criminal antecedent.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Complaint Case No. 531 of 2022, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Motihari, East Champaran, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Khatim Reza, J)

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