

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40899 of 2024**

Arising Out of PS. Case No.-194 Year-2021 Thana- GAYA MUFASIL District- Gaya

Ravindra Kumar S/o Late Raman Prasad R/o vill - Ghargoha, P.O. - Gurpa,  
P.S. - Fatehpur, Distt. - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bharat Yadav NA R/o vill - Surhari Tola Murkata, P.S. - Muffasil, Distt. - Gaya
3. Demanti Devi NA R/o vill - Surhari Tola Murkata, P.S. - Muffasil, Distt. - Gaya
4. Ramdeo Yadav NA R/o vill - Surhari Tola Murkata, P.S. - Muffasil, Distt. - Gaya

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ravi Prakash, Adv

For the Opposite Party/s : Ms. Madhuri Lata, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

6      18-04-2025      Heard the parties.

2. The present petition has been filed for cancellation of bail against the order dated 10.04.2024 passed in Cr. Misc. No. 9454 of 2024 arising out of Gaya Muffasil P.S. Case No. 194 of 2021 for the offences registered under Sections 406 and 420/34 of the Indian Penal Code. The aforesaid bail order is reproduced as under:-

“2. The accused/petitioners seeks bail in connection



with Muffasil P.S. Case No.194 of 2021 registered for the offence punishable under Sections 406 and 420 read with 34 of the Indian Penal Code.

3. The accused/petitioners are named in the FIR and are in custody since 25.09.2023.

4. The allegation against the petitioners is to cheat the informant along with other co-accused persons as not to execute the sale deed for the land of Khata No.212, Plot No.920, Area 6800 sq.ft., where total consideration amount of Rs. 70,00,000/- was mutually decided as per agreement dated 22.04.2019, where Rs. 24,10,000/- was paid in advance.

5. It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated out of civil dispute with the present criminal prosecution. It is pointed out that it was co-accused Sukhdeo Yadav, who received the entire amount of Rs.24,10,000/-, which is evident from the Annexures annexed with the agreement dated 22.04.2019, which is the part of FIR itself. It is further submitted that during course of investigation, it transpired that out of Rs.24,10,000/-, Rs.5,11,000/- was received by petitioners collectively out of which, Rs. 4,73,000/- was returned back to the informant. This fact transpired during investigation, which is available in para-6 of the case diary. While concluding argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.



6. Learned APP opposes the prayer for grant of bail to the petitioners.

7. In view of aforesaid facts and circumstances, as thrust of receiving payment of Rs.24,10,000/- is available against co-accused, Sukhdeo Yadav, who is not the petitioner for the present, where apparently, the present criminal prosecution is out of civil dispute, accordingly, all three above-named petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1<sup>st</sup> Class, Gaya in connection with Muffasil P.S. Case No.194 of 2021, subject to the conditions as laid down under Section 437(3) of the CrPC.”

3. Learned counsel for petitioner submitted that aforementioned case was taken on board on his absence and, therefore, he must be heard. It is also submitted that petitioner after receiving Rs. 24,10,001/- for purchasing joint property of Khata No. 212, Plot No. 920, Area 6800 sq. ft. of Village-Sudheri Tola, Murkatta Majhauuli failed to execute the deed and, therefore, cheated the petitioner.

4. Both parties (petitioner and O.P. No. 2, 3 and 4) appeared in person, before this Court.



5. During the course of hearing, it transpires that petitioner appears well-known about the whereabouts of Sukhdeo Yadav, who admittedly received Rs. 24,10,001/- from petitioner. He is still in regular touch with Sukhdeo Yadav, brother and one of the co-sharer of opposite parties. O.P. No. 2 and O.P. No. 4 are full brother, whereas O.P. No. 3 is also one of the co-sharer being sister.

6. It is accepted by opposite parties that they received Rs. 5,11,000/- as advance against aforesaid property from petitioner, out of which they returned Rs. 4,72,000/- more than their share to the son of petitioner, who received money on behalf of petitioner, but refused to give any receipt. The version of opposite parties could not be disputed by petitioner.

7. It is submitted that case appears civil in nature in the background of which present criminal prosecution was raised. Opposite Parties remain in custody for more than six months. Considering all such aspects bail was granted to O.P. No. 2 to O.P. No. 4 vide order dated 10.04.2024 as passed in Cr. Misc. No. 9454 of 2024.



8. In view of aforesaid, this Court finds no merit in present petition regarding prayer *qua* cancellation of bail as granted to opposite parties vide its order dated 10.04.2024 as passed in Cr. Misc. No. 9454 of 2024.

9. Accordingly, present petition appears devoid of any merits, hence same stands dismissed.

**(Chandra Shekhar Jha, J.)**

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