

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44114 of 2024

Arising Out of PS. Case No.-4476 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Suryadev Kumar S/O Gokul Ray @Gokul Roy @Gokul Rai R/O
MANOHARPUR KACHUARA, P.S. GOPALPUR, DISTT-PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shankar Singh S/O Late Ram Vilash Singh R/O Quarter no. C/9, Phase-2,
Akashvani Colony, P.O-G.P.O, P.S. Kotwali, Distt-Patna

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 53622 of 2024

Arising Out of PS. Case No.-4476 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Gokul Rai @ Gokul Roy @ Gokul Ray Son of Late Devki Rai R/o-
Manoharpur Kachuara, P.S.- Gopalpur, District - Patna.
2. Sumintra Devi Wife of Gokul Rai @ Gokul Roy @ Gokul Ray R/o-
Manoharpur Kachuara, P.S.- Gopalpur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shankar Singh Son of Late Ram Vilash Singh R/o- Quarter No.- C/9, Phase-
2, Akashvani Colony, P.O.- G.P.O., P.S.- Kotwali, District - Patna.

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 44114 of 2024)

For the Petitioner/s	:	Mr. Shambhu Narayan Singh Mr. Saroj Kumar Tiwary, Advocates
For the Complainant	:	Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay

(In CRIMINAL MISCELLANEOUS No. 53622 of 2024)

For the Petitioner/s	:	Mr. Shambhu Narayan Singh Mr. Saroj Kumar Tiwary, Advocates
For the Complainant	:	Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER



4 23-01-2025 Heard Mr. Shambhu Narayan Singh, learned counsel for the petitioners, Mr. Sanjeev Kumar, learned counsel for the Complainant and Mr. Jharkhandi Upadhyay, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 4476 of 2023, dated 02.05.2023 registered for the offences punishable under Sections 323, 341, 379, 406 and 420 of the Indian Penal Code.

3. According to prosecution case, the complainant entered into an agreement for sale with his co-worker and paid Rs. 3,00,000/- (Rupees three lakhs) as earnest money and later paid total consideration money, i.e. Rs. 12,00,000/- (Rupees twelve lakhs). It is further alleged that when the complainant and his son went on to measure the land, then they found out that his co-worker has already sold the said land to some other person.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. Learned counsel for the petitioners fairly submits that it is admitted fact that the petitioners have received the amount in question from the complainant and petitioner namely Sumitra Devi has executed the sale deed in favour of the complainant on 18.10.2021 which suggests that the petitioners have executed the sale deed in



favour of the complainant in long back in the year 2021 and thereafter the complainant had deposited amount for his rent receipt and the authority concerned had issued the rent receipt in favour of the complainant. Learned counsel for the petitioner further submits that it appears from the aforesaid that the complainant has filed the present complaint petition only to harass the petitioners. He further submits that co-accused person namely Randhir Kumar @ Randhir who is son of the Gokul Rai @ Gokul Roy and Sumitra Devi has been granted the privilege of anticipatory bail by this Court vide order dated 01.05.2024 passed in Cr. Misc. No. 25091 of 2024.

5. Learned APP for the State as well as learned counsel for the Complainant, on the other hand, opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna in connection with Complaint Case No. 4476 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other



following conditions :-

(1) 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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