

Arising Out of PS. Case No.-552 Year-2023 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

... .. Petitioner/s

... .. Opposite Party/s

For the Petitioner/s : Mr. Diwakar, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

4. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the complainant alleges that he runs a medicine shop, namely, Anshika Mediclax in a rented premises of Mithlesh Singh at Ara where the accused persons used to visit regularly. It is further



alleged that the accused persons offered the complainant to get a plot of land at Anaith for Rs.10 lakhs when the actual rate of the land was Rs.15 lakhs and since the owner of the land was in need of money, hence, was intending to sell the land at a low price, hence, the complainant on several dates transferred an amount of Rs.1,44,951/- in the account of accused persons. Further, on 10.07.2022, in presence of the witnesses, the complainant gave Rs.8,21,000/- to the accused persons at his shop for which a hand note was given but then the accused persons started delaying in getting the sale deed executed on which the complainant approached them and asked to either get the sale deed executed or to return the amount on which the petitioners asked the complainant to hand them over the hand note so that the money is returned on which the complainant returned the hand note but thereafter the accused persons abused and assaulted him and even did not get the sale deed executed.

5. Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the FIR, it would manifest that the same does not inspire confidence for the reason that it does not appear probable that the complainant would have returned the hand note with respect to Rs.8,21,000/- without the same being returned. It is further submitted that no



doubt, the petitioners had approached the complainant for purchasing a piece of land for which Rs.1,44,951/- was credited in the account of petitioner no. 1 but the said amount was credited with a condition that the complainant will have to pay the rest of the amount in one go but then the complainant did not pay the rest of the amount in one go, as such, the sale deed could not be executed. It is next submitted that since the complainant did not pay the rest of the amount in one go, as such, the amount of Rs.1,44,951/- was forfeited but on intervention of the well-wishers, the petitioners returned an amount of Rs.80,000/- by way of online transaction and rest of the amount by cash. It is also submitted that the instant criminal case has been instituted only with a view to coerce the petitioners into submission so that they under fear of arrest part with the fanciful demand of the complainant.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/-



(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Complaint Case No. 552(C) of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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