

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70354 of 2024

Arising Out of PS. Case No.-210 Year-2022 Thana- ARWAL District- Jehanabad

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1. Randhir Kumar S/O Late Baijnath Sharma R/O Village- Kamta, P.S- Parasi, Distt.- Arwal, 804428.
 2. Satish Kumar S/O Late Baijnath Sharma R/O Village- Kamta, P.S- Parasi, Distt.- Arwal, 804428.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramdeel Singh, S/O Biden Singh At - Bahadurpur, P.S. - Parasi, Arwal Pin - 804402

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 22-03-2025 Learned Counsel for the petitioners namely, Mr. Vikash Kumar appears through virtual mode. Learned APP for the State and Learned Counsel for Opposite Party No.2 are also present.

2. The petitioners are apprehending arrest in connection with Arwal P.S. Case No. 210 of 2022 lodged on 12.05.2022, for the offences punishable under Sections 406, 420, 504, 506 & 34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against three named accused persons including the present petitioners alleging therein that they have taken money for selling of their



plot amounting to Rs.17,00,000/- (Rupees Seventeen Lakhs), but subsequently, they have refused to execute the deed in favour of the informant even after sending legal notice. It has been alleged that the accused persons have returned a partial amount but not returned the full amount and thereafter, started threatening to kill the informant and his elder son.

4. Learned Counsel for the petitioners appears through virtual mode and submits that the petitioners are innocent and have committed no offence. Counsel also submits that petitioners are full brothers. Petitioner no.1 was serving in the Indian Army and his marriage was solemnized with accused no.3 namely, Seema Kumari against whom, petitioner no.1 has made allegation that she left him and started living with the informant's son namely, Satya Prakash Singh due to which petitioner no.1 has filed a divorce petition against her wife under Section 13(1)(a) of the Hindu Marriage Act. Counsel further submits that photocopy of the deed of agreement about which allegation has been made in the FIR is annexed as Annexure-P/5 of the Supplementary affidavit. The said deed has been executed between the petitioner's wife and the father of Satya Prakash Singh. Counsel submits that petitioner no.1's wife is in complete influence of Satya Prakash Singh and his family



and only Seema Kumari (wife of petitioner no.1) can explain that under what circumstances, she has executed the sale deed. Counsel further submits that petitioners are completely unaware about the alleged transactions. He has attached Annexure-P/6 i.e. a letter issued by the Major/High officials of the petitioner no.1 in which it has been mentioned the days in which petitioner no.1 was on leave. Counsel submits that the present case has been filed only with a view to create undue pressure upon the petitioners and their family. Counsel further submits that petitioners have no criminal antecedent and they are ready to fulfill all the conditions whatsoever shall be imposed upon them.

5. Learned Counsel for Opposite Party No.2 on the other hand submits that payment has been made in the joint account of the petitioner no.1 and his wife and upon violation of the contract, partial amount has been refunded in the account of the informant and therefore, petitioners cannot say that they are completely innocent and unaware about the facts.

6. Learned APP for the State opposes the prayer for bail of the petitioners but admits that the present case has arisen only due to a complex relation between wife of petitioner no.1 with the informant's son.



7. As such, considering the aforesaid facts and circumstances, let the above named petitioners be released on bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Arwal, Jehanabad in connection with Arwal P.S. Case No. 210 of 2022, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dr. Anshuman, J)

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