

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71450 of 2023

Arising Out of PS. Case No.-1826 Year-2019 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Shashikant Kumar Son Of Ram Vinay Singh Resident Of Village - Salepur,
Ps- Kurtha, Distt- Arwal
 2. Ram Vinay Singh Son Of Rajnandan Singh Resident Of Village - Salepur,
Ps- Kurtha, Distt- Arwal
 3. Rajnandan Singh Son Of Late Doman Singh Resident Of Village - Salepur,
Ps- Kurtha, Distt- Arwal

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ajay Kumar Son Of Jag Narayan Sharma Resident Of Village - Kharkhura
Bhaluyahi, Ps- Delha, Distt- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Sinha
For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

6 24-03-2025 Heard learned counsel for the petitioners and

learned APP for the State.

2. The instant application for anticipatory bail has

been filed by the petitioners apprehending their arrest in a

case instituted for the offence punishable under Sections 323,

406, 420, 504, 120(B) of the Indian Penal Code and Section

138 of N.I. Act.

3. The prosecution's case, in brief, is that the

petitioners, along with co-accused Deepak Kumar, visited the



informant's house regarding the sale of pieces of land, and a sum of ₹15,00,000 (fifteen lakh rupees) was agreed upon. After a few days, the matter was settled between the parties, and on 16.06.2019, the informant paid an advance of ₹5,00,000 (five lakh rupees) to petitioner No. 3, Rajnandan Singh. Subsequently, an agreement was drafted. It is further alleged that when the complainant later approached the petitioners to execute the sale deed, they began evading to do so. Eventually, the complainant discovered that the accused had no intention of selling the land. As a result, the accused persons issued three cheques of ₹4,00,000 (four lakh rupees) each and one cheque of ₹3,00,000 (three lakh rupees) to the complainant. However, when the complainant deposited these cheques in the bank, they were bounced due to insufficient funds.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in the present case. It is further submitted that petitioners never executed the agreement paper as alleged. They are not



owner of the lands in question regarding which the payment has been made in favour of the complainant. Petitioners have nothing to do with the said land. Moreover, he further submits that the said agreement of sale purported to be executed on 20.06.2019 finds the signature of only two persons thereon, who are Deepak Kumar as vendor and Ajay Kumar (complainant) as purchaser. It is further submitted that co-accused Deepak Kumar has already been granted bail by learned Trial Court. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

5. Learned A.P.P. for the State vehemently opposed the prayer of bail.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Gaya Complaint Case No. 1826 of 2019, they will be enlarged 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 Chief Judicial Magistrate, Gaya, subject to the conditions as laid down under section 438(2) of the Cr.P.C, with following conditions:-

(i) One of the bailors should be close relative of the petitioners.

(ii) Petitioners shall co-operate in the trial and shall be present on each and every fixed date and on their absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the learned trial Court.

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

(iv) In case, the petitioners repeat offence of similar nature after enlargement on bail, their bail bonds may be cancelled by the learned trial Court.

(S. B. Pd. Singh, J)

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