

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86232 of 2024

Arising Out of PS. Case No.-2347 Year-2018 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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1. Avinash Kumar Singh S/O- Amresh Kumar Singh Village- Kursela Po- Ayodhyaganj Bazar Ps- Kursela dist- Katihar
 2. Rajani Devi @ Abha Devi @ Abha Singh W/o- Amresh Kumar Singh Village- Kursela Po- Ayodhyaganj Bazar Ps- Kursela dist- Katihar

... .. Petitioners

Versus

1. The State of Bihar
2. Niranjana Kumar @ Ranjan S/o- Late Baijnath Jaiswal Moh- Kursela Tengariya Po- Ayodhyaganj Bazar Ps-Kursela Dist-Katihar

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Sumeet Kumar Singh, Advocate Mr. Shivam Singh, Advocate
For the State	:	Mr. Amarendra Kumar, Advocate Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 22-03-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Complaint Case No.-2347 of 2018 dated 01.10.2010, registered for the offences punishable under Sections 323, 420, 406, 120(B), 384/34, 380, 452, 467, 468, 471/34 of the Indian Penal Code.

3. As per allegation, the Complainant had given two cheques for an amount of Rs.7,25,000/- to the



accused/petitioner, Avinash Kumar Singh to purchase the land belonging to Avinash Kumar Singh. However, when the sale deed was being registered, he came to know that the land was in the name of the mother of Avinash Kumar Singh, namely, Rajani Devi, Petitioner No.2 herein and on the insistence of registry office, the Complainant was required to pay the consideration amount to Rajani Devi who was the real owner of the land. Hence, the Complainant paid the consideration amount to Rajani Devi by way of five cheques. Later on, when the Complainant asked the petitioner, Avinash Kumar Singh to return the cheques, he did not return them and instead he abused and assaulted the Complainant.

4. Learned counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that as a matter of fact, the cheques in question was delivered by the Complainant to Avinash Kumar Singh towards repayment of loan earlier taken from him and it had nothing to do with the alleged purchase of the land belonging to Rajani Devi. However, the cheque delivered by the Complainant to Avinash Kumar Singh got dishonoured once they were presented in the bank by Avinash Kumar Singh. Hence, legal notice was sent under Section 138 of the



Negotiable Instrument Act and to save his skin from the Criminal Complaint, this false case has been filed by the Complainant against the petitioners.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioners have no criminal antecedents.

7. Learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, District-Katihar, in connection with Complaint Case No.-2347 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court



below that the petitioners have any criminal antecedents, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J.)

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