

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.86516 of 2024**

Arising Out of PS. Case No.-139 Year-2024 Thana- BIHIA District- Bhojpur

- 
1. Madhu Devi Wife of Santosh Kumar Dubey Resident of Mohalla- Jaj Bazar Bihiya, Ward No. 10, P.S.- Bihiya, District- Bhojpur
  2. Santosh Kumar Dubey @ Santosh Dubey Son of Late Ramanand Dubey Resident of Mohalla- Jaj Bazar Bihiya, Ward No. 10, P.S.- Bihiya, District- Bhojpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

---

**Appearance :**

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

---

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

5      25-02-2025                      Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offence punishable under sections 420, 406/34 of the Indian Penal Code.

3. As per the prosecution case, pursuant to an agreement between the parties, informant gave Rs.21 lacs to the petitioners for purchase of his house but petitioners neither executed sale deed of their house in favour of the informant nor did they return the money to the informant.

4. Learned counsel appearing for the petitioners submits that the petitioners never entered into an agreement with the informant for sale of their house nor did they ever took any money from the informant. That apart, dispute is out and out a civil dispute for which no criminal case is made out against the petitioners. Petitioners claim clean antecedent.

5. Learned counsel for the State and the informant



oppose the prayer for bail. By filing counter affidavit, it is submitted by learned counsel for the informant that these petitioners were declared defaulters by their Bank namely, Bank of India and their residential house was about to be sold out. In the meantime, petitioners approached the Informant and proposed to sell their land and house constructed over land appertaining to Khata no.262, Plot no.979, area 3.125 decimal situated in Bihiyan ward no.10. Total consideration amount of the land and building was fixed at Rs.40,00,000/- (Rs. Forty lacsonly). Informant paid sum of Rs.6,50,000/- (Rs. Six lacs fifty thousand only) to the petitioners in cash and had transferred sum of Rs.14,50,000/- (Rs. Fourteen lacs fifty thousand only) from the Bank Account no.460110310000600 of his son on 24.2.2023. Son of the informant namely Ritesh Kumar had issued cheque no.057695 from his account no.460110310000600 amounting Rs.14,50,000/- in favour of petitioner no.2 on 24.02.2023. Said amount was to be transferred to the account of petitioner no.2 through RTGS as such the son of the informant had filled up pay-in slip on 24.02.2023 itself. The aforesaid amount was to be transferred in the settlement account of petitioners bearing account no.46010SUNCR030. Aforesaid amount of Rs.14,50,000/- was credited in the settlement account of petitioners bearing account no.46010SUNCR030 on 24.02.2023 bearing transaction ID-B1720970. It is relevant to state here that the petitioner no.2 had been operating two bank account bearing account no.460130110000083 and term account no.460172310000159 with Bank of India branch Bihiya, District-Bhojpur. Senior Branch Manager issued certificate to that effect along with details of transaction made on 24.02.2023 in settlement account



of the petitioners. Transaction details of account no.- 460110310000600 of the son of the informant would also demonstrate that on 24.02.2023 his account was debited by Rs.14,50,000/-upon transfer of the said amount to account no. SUNCRO30.

6. Considering the nature and gravity of allegation, prayer for bail of the petitioners is rejected.

**(Prabhat Kumar Singh, J)**

Shashi

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

