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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27342 of 2014

Arising Out of PS.Case No. -205 Year- 2011 Thana -CIVIL LINE District- GAYA

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1. Rekha Patel, Wife of Ravi Patel
2. Ravi Patel, Son of Late Balwant Rao, both Residents of Ashok Vihar Colony, P.S.- Civil Lines, Town & District - Gaya

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :
For the Petitioner/s : Mr. Sanjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Dr. Indiwar Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 07-01-2015 Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners, apprehending their arrest in connection with Civil Lines Gaya P.S. Case No. 205 of 2011 registered for the offences punishable under Sections 419, 420, 467, 468 and 471 of the Indian Penal Code, seek the privilege of pre-arrest bail.

Allegedly, the informant had purchased a land measuring 1020 squire feet under Old Khata No. 92, Plot No. 453 from one Smt. Basanti Devi vide sale deed no. 7930 and she sold the same to one Rajan Prasad vide registered sale deed no. 7054 and at the time of registry, she handed over the original sale deed to Rajan Prasad and Rajan Prasad sold the said land to petitioner

no. 1 and on the basis of original sale deed of the informant, which was given to Rajan Prasad, got the loan of Rs. 5,00,000/-from the State Bank of India, Manpur Branch wherein guarantor is Laddu Kumar.

Submission is that admittedly the sale deed in question was given to Rajan Prasad and not to the petitioner. There is no specific allegation against the petitioners and the present case has been filed in retaliation of Complaint Case No. 1107 of 2009 filed by petitioner no. 1, Rekha Patel against the informant of this case.

The learned A.P.P. opposes the prayer for bail by submitting that witnesses vide para 2, 6, 7, 8 and 9 have supported the allegation.

Considering the submissions and going through the case diary and noticing that it will be presumed that at the time of purchase, the petitioner no. 1 and her husband might have taken the original sale deed from Rajan Prasad and that sale deed has been used for taking loan and as such, this Court is not persuaded to grant the privilege of pre-arrest bail to the petitioners and they are directed to surrender and prefer regular bail before the court below by raising all the points where their prayer for regular bail shall be considered without being prejudiced by this order in accordance with law.

Accordingly, the prayer for pre-arrest bail of the petitioners stands rejected.

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(Jitendra Mohan Sharma, J.)

Vats/-

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