

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13943 of 2015

Arising Out of PS.Case No. -567 Year- 2014 Thana -SAHARSA District- SAHARSA

1. Kumud Jha, S/o Late Ugra Mohan Jha
2. Manoj Bharti, S/o Kumud Jha
Both Resident of Village-Bangaon, P.S.- Bangaon, District-Saharsa.
.... Petitioners

Versus

1. The State of Bihar
2. Ranjit Kumar, S/o Sushil Kumar Jha, resident of village-Parri, P.S.-
Bangown, District-Saharsa. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

4 23-07-2015 Heard learned counsel for the petitioners and learned counsel for the opposite party no. 2. Despite repeated calls, none appears on behalf of the State.

The petitioners seek anticipatory bail in connection with Saharsa Sadar P.S. Case No. 567 of 2014 registered under Sections 420, 406 and 120-B read with 34 of the Indian Penal Code.

According to the prosecution case, the informant had paid Rs. 10,00,000/- to the accused persons for executing a sale deed in respect of one katha of land but after receiving the said amount the petitioners refused to execute the sale deed.

Learned counsel for the petitioners has submitted that there is no written agreement between the parties. As a matter of fact, there was long standing friendly relation between the parties and the informant had given Rs. 5,89,000/- in the account of petitioner no. 1 for construction of house later on the entire amount was returned back.

It has further been contended that even if the entire allegation is accepted to be true at its face value, the ingredients of the offences alleged would not be attracted as there is no allegation that the petitioners induced the informant in any manner to part with money or they had intention to cheat the informant right from the beginning.

On the other hand, learned counsel for the informant has vehemently opposed the prayer for anticipatory bail. He has submitted that the petitioners have cheated the informant and have misappropriated a huge amount of Rs. 10 Lacs after receiving the same on the pretext of sale of 1 katha of land.

Be that as it may, regard being had to the facts and circumstances of the case, in the event of arrest or surrender in the court below within a period of six weeks from today, the petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the

like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 567 of 2014 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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