

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34839 of 2015

Arising Out of PS.Case No. -359 Year- 2015 Thana -SAHARSA District- SAHARSA

1. Md. Harun @ Md. Harun Ahmad son of Late Mir Haji Ali Ahmad
2. Md. Amanullah Ashraf @ Md. Ashraf Ali, son of Md. Harun @ Md. Harun Ahmad Both are resident of village- Saharsa Basti, Ward No. 31, P.S. & District- Saharsa

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Ashok Kumar Mishra, Advocate.

For the Opposite Party : Mr. Nawal Kishore Prasad (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 09-11-2015 Heard both sides.

The petitioners apprehend their arrest in registered for the offences punishable under Sections 420, 467, 468, 504 and 506 of the Indian Penal Code.

The informant/complainant alleged that the petitioner entered into an agreement to sell two shops in favour of the informant on consideration of Rs. 21 lakhs. The informant gave Rs. 2,50,000/- on different dates to the petitioners. The informant got information that there is drainage and he requested the petitioners to stop the drainage, but the drainage was not stopped and the petitioners agreed to refund the money.

It is submitted that it is purely a case of civil nature. The informant did not pay the entire consideration money whereas

according to the agreement he had to pay the entire consideration amount within one year, thereafter, the informant filed the complaint case only to save himself for forfeiture of consideration amount.

Learned counsel for the informant as well as the learned APP however opposed the prayer for anticipatory bail and submitted that in the agreement there is no mentioning of drainage near the shops and the informant came to know about the drainage later on.

Considering the facts aforesaid and the fact that it is an infraction of the agreement to sell, the proper remedy is in the suit, the petitioners above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in Saharsa P.S. Case No. 359 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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