

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.21801 of 2015**

Arising Out of PS.Case No. -203 Year- 2015 Thana -AHIAPUR District- MUZAFFARPUR

- =====
1. Shyama Shankar Singh son of Yamuna Prasad Singh
  2. Manju Devi wife of Shyama Shankar Singh
  3. Monu Kumar son of Shyama Shankar Singh All resident of village-Sheikhpur, Akharaghat, P.S.- Ahiyapur, Dist- Muzaffarpur

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Awadhesh Rai S/O Pahunandan Rai, R/o Vill.- Sheikhpura, Akharaghat, P.S.- Ahiyapur, Dist.- Muzaffarpur

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. S. Jamil Akhtar, Adv.  
For the Opposite Party/s : Mr. S.D. Singh Yadav (App)

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

3      08-10-2015      Heard both sides.

The petitioners apprehend their arrest in Ahiyapur P.S.  
Case No. 203/2015, registered for the offences punishable under  
Sections 406, 420, 120(B) of the Indian Penal Code.

The informant-complainant alleged that the petitioners  
executed a deed of agreement to sell a piece of land in favour of  
the informant on receipt of Rs. 3 lacs. The date of registration was  
fixed but the petitioners did not execute the sale-deed and they  
executed another Mahadnama after receiving Rs. 6 lacs. The  
informant issued two bearer cheques each of Rs. 4 lacs and  
altogether the petitioner received Rs. 15,81,000/- and did not

execute the sale-deed.

Learned counsel for the petitioners submits that the petitioners received only Rs. 7,81,000/- and the rest of the amount is not paid to the petitioners. The petitioner did not encash the bearer cheques. The petitioner is ready to execute the sale-deed if the entire amount is paid to the petitioner.

On the other hand, learned counsel for the informant opposed the prayer for anticipatory bail and submitted that from perusal of Annexure-4 it would appear that Petitioner no. 1 has already taken amount from State Bank of Bikaner & Jaipur after mortgaging the same land and the loan amount is yet to be paid. The petitioner cheated the informant.

It appears that the informant has made specific allegation against Shyama Shankar Singh (Petitioner no. 1) that he received amount and executed Mahadnama. Petitioner nos. 2 and 3 are wife and son of petitioner no. 1, who did not either receive any money from the informant or agree to sell the land in favour of the informant.

Further, it appears that Shyama Shankar Singh had executed Mahadnama and agreed to sell the land on which he had also taken loan from the Bank and thereby cheated the informant.

Considering the facts aforesaid, I am not inclined to

enlarge petitioner no. 1 Shyama Shankar Singh, above named, on anticipatory bail. Accordingly, the same is rejected.

So far as the case of Petitioner no. 2 Manju Devi and Petitioner no. 3 Monu Kumar is concerned, they are wife and son of Shyama Shankar Singh, Petitioner no. 1. They have neither received any money nor executed Mahadnama nor agreed to sell any piece of land in favour of the informant.

Considering the facts aforesaid, petitioner nos. 2 and 3 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 anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No. 203/2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Prabhat Kumar Jha, J.)**

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