

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36056 of 2015

Arising Out of PS.Case No. -1383 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

BADARI PRASAD CHAURASIYA @ BADARI PRASAD, S/o late
Shivadutt Prasad, r/o Road no. 25 Jai Prakash Nagar, Near Paultry Firm
Under Shashtrinagar Police Station, Town & District-Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.49373 of 2015

Arising Out of PS.Case No. -1383 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

1. Subodh Kumar
2. Pintu Kumar Both are sons of Badri Prasad Chaurasia Resident of Road
No. 25, Jai Prakash Nagar, Near Poultri Farm, P.S. Shastri Nagar, District -
Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Shila Devi wife of Sri Surendra Prasad Resident of Nim Ki Bhatti,
Near Bishwakarma Mandir, Gulzarbagh, P.S. Alamganj, District - Patna.
A/P Shastri Nagar, P.S. Shastrinagar, District - Patna.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.36056 of 2015)

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Opposite Party/s : Mr. Sunil Kr.Panday(App)

(In Cr.Misc. No.49373 of 2015)

For the Petitioner/s : Mr. Raj Nandan Prasad, Adv.

For the Opposite Party/s : Mr. Mustaque Alam(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 01-12-2015 Heard both sides.

The petitioners apprehend their arrest in Complaint
Case No. 1383(C) of 2012, registered for the offences punishable

under Sections 406, 323, 379, 420 and 34 of the Indian Penal Code.

The complainant alleged that the petitioner Badari Chaurasiya entered into an agreement with the complainant to sell a piece of land and received consideration amount of Rs. 4,50,000/-. The petitioner Badari Chaurasiya also received Rs. 63,000/- for other expenses, but no sale-deed was executed with regard to the land of Khata No. 127, Plot no. 2428, Area 1 Katha falling in Tauji no. 15273.

Learned counsel for the petitioners submits that the petitioners did not execute any agreement to sell the land in favour of the complainant nor petitioner no. 1 Badari Prasad Chaurasiya received any consideration amount or any amount from the complainant. The complainant herself entered in different agreements with one Rajdeo Rai on 02.01.2012 for purchasing the same land, thereafter the complainant alleged that the petitioner Badari Prasad Chaurasiya executed deed of agreement to sell the land of Rajdeo Rai for which Rajdeo Rai had executed power of attorney in favour of the complainant Shila Devi. Petitioner no. 1 denied to have put the signature on the deed of agreement to sell. The petitioners Subodh Kumar and Pintu Kumar are alleged to have assaulted the husband of the complainant when they went to

demand their money.

On the other hand, learned counsel for the complainant vehemently opposed the prayer for bail and submitted that the petitioners took money Rs. 5,13,000/- from the complainant and cheated the complainant.

It appears that with regard to the same land the complainant entered into an agreement with Rajdeo Rai on 02.01.2012 and got power of attorney from Rajdeo Rai to get the same land for which Petitioner no. 1 Badari Prasad Chaurasiya is alleged to have executed the deed of agreement for sale in favour of the complainant on 09.01.2012 admittedly after 7 days from the date on which the complainant got power of attorney from petitioner no. 1.

It is submitted that Rajdeo Rai executed power of attorney with regard to the same land in the year 2005 itself. Petitioner no. 1 Badari Prasad Chaurasiya has denied to execute any deed of agreement in favour of the complainant. The signature on the agreement differs from page to page.

Considering the facts aforesaid and the fact that at best the case is of breach of contract and the dispute is of civil nature, 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 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 Additional Chief Judicial Magistrate, Patna City/ Sri Krishna Gopal, Judicial Magistrate 1st Class, Patna in connection with Complaint Case No. 1383(C)/2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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