

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42821 of 2014

Arising Out of PS.Case No. -110 Year- 2014 Thana -NIRMALI District- SUPAUL
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1. MD. ASHARAF ALI @ MD.ASHRAF Son of Yunush Ali
2. Md. Yunus Ali @ Md. Yuush Son of Md. Muslim Ansari
3. Badri @ Nuruddin Ansari Son of Habib Ansari
4. Md. Muslim Ansari Son of Late Hanif Ansari All Resident of Village - Islampur, P.S.- Nirmali, District -Supaul

.... Petitioner/s

Versus

1. The State of Bihar
2. Md. Istaq Ansari S/o Md. Basir Ansari, R/o vill. Islampur, PS Nirmali, Distt. Supaul

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

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Thakur
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP
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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

3 30-07-2015 The petitioners figured as accused in Nirmali PS Case No. 50 of 2014, wherein offences punishable under Sections 406, 420, 384/34 of the Indian Penal Code were alleged.

Apprehending their arrest, the petitioners filed ABP No. 402/2014(S) in the court of Sessions Judge, Saharsa. The same was rejected on 18.9.2014.

Hence, this application.

Heard learned counsel for the petitioners, learned A.P.P. and learned counsel for the 2nd respondent.

The contents of the complaint discloses that the dispute between the complainant and the petitioners herein is in relation to a transaction of sale of land. It is alleged that after receiving the consideration money the petitioners did not executed

the sale deed. At the most, it becomes a cause of action for filing a suit for specific performance of contract. This Court, prima facie, is of the opinion that the complaint itself does not disclose commission of any crime as alleged.

Hence, this application is allowed.

It is directed that in the event of their arrest or surrender, the petitioners shall 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 Chief Judicial Magistrate, Supaul, in connection with Nirmali PS Case No.110 of 2014, subject to the conditions as laid down under Section 438(2) CrPC.

(L. Narasimha Reddy,CJ)

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