

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50506 of 2015

Arising Out of PS.Case No. -142 Year- 2015 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Sarfuddin Ansari S/O Jalim Ansari, resident of Village- Bhantahawa Pipara, P.S. Sikarpur, District- West Champaran
 2. Akbar Ali S/O Islam Mian resident of village- Netua Toli, P.S.- Sikarpur, District- West Champaran
 3. Hari Mahto, S/O Late Manharan Mahto, resident of village- Siswa, P.S. Sikarpur, District- West Champaran
 4. Saral Mahto, S/O Late Dharbharan Mahto @ Gharbharan Mahto, Resident of village- Siswa, P.S. Sikarpur, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Safique Alam, S/O Late Sheikh Bhutti, Resident of Village Kolhuya, P.S. Chautarwa, District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar
For the Opposite Party/s : Mr. Pronati Singh (App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 05-11-2015

Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek anticipatory bail in connection
with Shikarpur P.S. Case No. 142 of 2015 registered under
Sections 420, 406, 323, 504, 506 read with 34 of the Indian Penal
Code.

It is contended that even if the entire prosecution
allegation is believed to be true, no criminal case is made out
against the petitioners. Non-execution of sale deed despite
executing a registered agreement to sell is a dispute which is civil

in nature and for that remedy lies before the competent court of civil jurisdiction. It is further contended that after completing the investigation the police submitted final report under Section 173(2) of the Code of Criminal Procedure holding the case to be of civil dispute but the learned Magistrate has differed with the police report and taken cognizance of the offence.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within six weeks from today, the petitioners named above are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 142 of 2015, 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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