

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.45327 of 2014**

Arising Out of PS.Case No. -160 Year- 2014 Thana -NALANDA COMPLAINT CASE District-  
NALANDA (BIHARSHARIFF)

- =====
1. Sulochana Devi, Wife of Late Subhash Prasad
  2. Prince Kumar, Son of Late Subhash Prasad Both are Resident of Village-Meyar, P.S.-Noorsarai, District-Nalanda.

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Birendra Prasad, Son of Late Gonauri Mahto Resident of Village-Pariuana, P.S.-Noorsarai, District-Nalanda.

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

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR**  
**MISHRA**  
ORAL ORDER

2      06-05-2015      Heard learned counsel for the petitioners and the  
learned counsel for the opposite parties.

The petitioners apprehend their arrest in connection with Complaint Case No. 160C of 2014 registered under Section 406 of the Indian Penal Code.

The allegation of complainant-opposite party no.2 is that petitioners approached to him to sell 16.5 decimal land and accordingly, negotiation was made, in which the consideration amount of Rs. 21,22560/- was fixed. The complainant gave Rs. 1,01,000/- as advance to the petitioners and agreement to sale was executed fixing the date of 26.01.2014 to pay rest consideration to execute the sale deed. In

the meantime, petitioner no.2 approached the complainant and demanded Rs. 5 lakhs to fulfill the urgent need. Accordingly, the complainant gave Rs. 5 lakh to the petitioners but they refused to make endorsement on agreement to sale and moved from there. Later on, complainant again approached on 14.01.2014 but the petitioners were not ready to make endorsement about receiving Rs. 5 lakh on agreement to sale.

Learned counsel appearing on behalf of the petitioners submits that it would appear from the complaint petition itself that the date was fixed for execution of the sale deed on 26.01.2014. In fact, the opposite party no.2 did not arrange the remaining consideration amount till the date fixed in agreement to sale, i.e. 26.01.2014, and after expiry of that date, the complainant has falsely implicated the petitioners in this case on the basis of false story.

Having considered the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate, Ist Class, Biharsharif, Nalanda in connection with Complaint

Case No. 160C of 2014, subject to the condition as laid down  
under Section 438(2) of the Cr. P.C.

**(Rajendra Kumar Mishra, J.)**

Shail/-

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