

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52237 of 2015

Arising Out of PS.Case No. -790 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Kailash Prasad Singh Son of Late Dawarika Prasad Singh,
2. Kaushal Kumar, Son of Kailash Prasad Singh,
3. Satish Kumar, Son of Kailash Prasad Singh,
4. Prakash Kumar Singh, Son of Kailash Prasad Singh,
All R/o-Mohalla - Rukunpur, Police Station - Rupaspur, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nand Kishor Sharan, Son of Late Dharmendra Kishore Resident of Flat
No.301, Lane No. 3, Ram Griham Apartment, Rukunpur, Police Station
- Rupaspur, District - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Rajpati

For the Opposite Party/s : Mr. Pranav Kumar(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 27-04-2016 Heard learned counsel for the petitioners, learned

counsel appearing on behalf of the complainant and learned

counsel appearing on behalf of the State.

The petitioners being the landlord are
apprehending their arrest in connection with Danapur
Complaint Case No. 790 of 2014 registered for the offences
punishable under Sections 406 and 323 of the Indian Penal
Code.

Learned counsel for the petitioners submits that as
landlord he had entered into a registered agreement between



himself and the complainant as the construction company for construction of an apartment. It has been alleged in the complaint petition that though the complainant had described the plot to be of 7.5 katha of land, but the same came to be only 7.25 katha whereas, 1 katha of the said 7.25 katha of land had been sold by the petitioners to the builder, for a consideration amount of Rs. 6,25,000/-. Out of the said amount a sum of Rs. 5,25,000/- was given to the petitioners and another Rs. 1,50,000/- was paid on different dates, in cash. It was alleged that though, after completion of the agreement, the said amount would be returned to the builder after adjustment, the petitioners failed to return the same and when the complainant demanded back the money, the petitioners abused, assaulted and threatened him stating that not a single penny will be given to you.

Learned counsel for the petitioners, further, submits that the entire case is false and fabricated and is in retaliation to the case of the complainant who had himself perpetuated an illegality. The complainant had gone beyond the terms of the memorandum of agreement, entered into by the parties for the land, offered by the petitioners through the said development agreement.

Be that as it may, it appears that the present case can well be considered by the court of competent jurisdiction as the nature of the dispute is of a civil nature and the parties are also contesting a vigilance case before the Patna Municipal Corporation regarding the illegality of certain actions of the complainant.

In view of such facts and circumstances and considering the nature of allegations, let the petitioners, in the event of their arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the each amount to the satisfaction of the learned Judicial Magistrate, 1st Class, Danapur in connection with Complaint Case No. 790 of 2014, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Anjana Mishra, J)

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