

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9667 of 2015

Arising Out of PS.Case No. -217 Year- 2014 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Sanjay Kumar Roy
2. Subodh Kumar Roy Both nos. 1 and 2 are Sons of-Late Rewti Roy
Resident of-Simalgachhi, P.S.-Sadar Mufasil Ranipatra, District-Purnia.

.... Petitioners

Versus

State of Bihar & Anr

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Jagdish Prasad Bhagat, Advocate.

For the Opposite Parties : Mr. J.N.Thakur(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 04-01-2016 Heard both sides.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420, 120B and other Sections of the Indian Penal Code.

The complainant alleged that the petitioners agreed to sale the land of Khata No. 557, Khesra No. 1103, area 1 acre 26 decimals, Thana No. 102, village Birpur on consideration of Rs. 19,50,000/-. The complainant gave Rs. 9,60,000/- and thereafter a deed of agreement to sale was executed. But, later on the petitioners refused to execute the sale deed and the complainant came to know that the aforesaid land was already sold.

It is submitted that prior to filing of the present complaint case the complainant filed Purnia Sadar (Muffasil) P.S.



Case No. 555 of 2013. The police after investigation submitted final form and recommended for action against the informant/complainant under Sections 182/211 of the Indian Penal Code. It is further submitted that the petitioners never executed any deed of agreement to sale. In pursuance of the order dated 04.05.2015, the petitioners furnish their signatures which were sent to F.S.L., but the report of the F.S.L. has not yet come even after lapse of more than eight months. The report of F.S.L. with regard to K. Hat (Maranga) P.S. Case No. 217 of 2014 is received in place of F.S.L. report with regard to Purnia Complaint Case No. 217 of 2014.

Considering the facts aforesaid and the fact that the dispute is of civil nature due to breach of agreement to sale, the 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 bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sri Sandeep Singh, the learned Judicial Magistrate 1st Class, Purnia in Complaint Case No. 217 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The office is directed to send down the report of F.S.L.

with regard to K. Hat (Maranga) P.S. Case No. 217 of 2014 to the court concerned.

(Prabhat Kumar Jha, J.)

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