

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7248 of 2016

Arising Out of PS.Case No. -27267 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Sanjeev Kumar
 2. Deepak Kumar

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee
For the Opposite Party/s : Mr. Parmanand Pd.(APP)
For the complainant : Mr. Rajesh Ranjan

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-02-2016 Mrs. Archana Shahi, learned counsel, states that she is withdrawing vakalatnama filed, by mistake, on behalf of the complainant.

Mr. Rajesh Ranjan files vakalatnama on behalf of the complainant. Let it be kept on record.

Heard learned counsels for the petitioners, the State and the complainant.

The petitioners are apprehending arrest in a complaint case in which processes were directed to be issued after cognizance being taken under Section 420, 379 and 323 of the Indian Penal Code.

The prosecution case is that the complainant, Sanjay Kumar, entered into an agreement with co-accused Sudhir Prasad

Singh for purchase of 1 ½ Katha land bearing Thana No.-16, Tauzi No.-9/12, Khata No.-14, Survey plot No. 659 at the rate of Rs. 51 lacs per Katha. On the basis of such agreement total Rs. 70 lacs were paid out of which Rs. 50 lacs were paid through bank transaction in bank accounts of Lilawati Devi, Prabhat Kumar whereas Rs. 20 lacs were given in cash to the petitioners and Lilawati Devi but neither the money was returned nor sale deed was executed.

It is submitted by the learned counsel for the petitioners that the agreement to sale was between complainant and co-accused Sudhir Prasad Singh and petitioners are not parties to the agreement. There is also nothing on record to suggest that any cash payment was made to the petitioners and the petitioners' side have filed Title Partition Suit No. 19 of 2012 for partition of properties including the land in question.

It is submitted by learned counsel for the complainant that payment was made to the petitioners also, in cash, though, major payment was made through bank transaction to other co-accused persons. The petitioners though signed on the scheduled but subsequently they retracted and erased their signature. The sale deed was not registered and subsequently petitioners sold the land in question to some other persons.

Considering fact that the petitioners were neither party to the agreement to sell nor any amount was paid to their bank accounts, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Ranjeet Prasad, learned JM, 1st class, Patna in connection with Complaint Case No. 27267 C of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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