

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18591 of 2016

Arising Out of PS.Case No. -3060 Year- 2014 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

- =====
1. Smt. Meena Devi, Wife of Tirpan Mandal,
 2. Tirpan Mandal, Son of Atwari Mandal, Both Resident of Village – Humriya Bishanpur, P.S. – Mansahi, District – Katihar.
- Petitioners

Versus

1. The State of Bihar
 2. Yudhisthir Mandal, Son of Late Manchan Mandal, Resident of Village – Bishanpur Babu Tola/Dumariya P.O. Marangi (Mansahi), District – Katihar.
- Opposite Parties

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Appearance :

For the Petitioners : Mr. Md. Musowir, Advocate.
Mr. Pankaj Kumar Sinha, Advocate.

For the Opposite Parties : Mr. Manish Kr. 2(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 14-07-2016 Heard both sides.

The petitioners apprehend their arrest in C.A. No. 3060 of 2014 registered for the offence punishable under Section 420 of the Indian Penal Code.

The gist of the allegation is that the petitioners were to execute a sale deed with regard to land on consideration of Rs. 1,80,000/- and the petitioners received Rs. 1,01,000/-. But the petitioners executed the sale deed in favour of other persons and did not return the money to the informant.

Learned counsel for the petitioners submits that the petitioners never executed any deed of agreement to sale nor received any money from the complainant. The petitioners have

also filed a complaint case.

Learned counsel for the complainant submits that the petitioners filed the complaint case only when notice was given to the petitioners and he also admitted that he put his signature on the deed of agreement to sale in para-6 of the bail petition.

It appears that the dispute is of civil nature. The case is filed on account of breach of agreement to execute the sale deed and better remedy lies in the civil proceedings.

Considering the facts aforesaid, 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 the Additional Chief Judicial Magistrate-II, Katihar in C.A. No. 3060 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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