

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20213 of 2016

Arising Out of PS.Case No. -71 Year- 2016 Thana -BUXAR District- BUXAR

Santosh Kumar Ray @ Santosh Ray Son of Ram Eqbal Ray, Resident of Village- Chilahari, Police Station- Dumraon District-Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.19236 of 2016

Arising Out of PS.Case No. -71 Year- 2016 Thana -BUXAR District- BUXAR

- 1. Bir Bahadur Rai
- 2. Sher Bahadur Rai
- 3. Rang Bahadur Rai All sons of Sidhi Rai
- 4. Kapi Muni Rai son of Late Innar Alias Innar Rai All residents of Village- Chilahari, Police Station- Dumraon, District- Buxar.

.... Petitioner/s

Versus

- 1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.20213 of 2016)

For the Petitioner/s : Mr. Rahul Nath, Adv.

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

(In Cr.Misc. No.19236 of 2016)

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. Shailendra Kr. 1(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 26-07-2016 Heard both sides.

The petitioners apprehend their arrest in Buxar (Town)
P.S. Case No. 71/2016, registered for the offences punishable
under Sections 467, 468, 471, 472, 420, 406 and 34 of the Indian

Penal Code.

The informant Raj Roushan Yadav alleged that Santosh Kumar Ray (petitioner) of Cr. Misc. no. 20213/2016 introduced him to the vendors Bir Bahadur Rai and others who agreed to sell a piece of land to him. Accordingly, the informant purchased the land from Bir Bahadur Rai and others on payment of consideration amount on 23.07.2010. It is further alleged that when informant went to erect boundary on the said land he came to know that Bir Bahadur Rai and others had already sold the land to Anup Sagar Singh on 26.05.2009, but petitioner did not file case immediately after knowing this fact.

Learned counsel for the petitioner submits that the informant was well acquainted with the facts that the petitioners had sold the land in favour of Anup Sagar Singh and others. Anup Sagar Singh and others did not pay the entire consideration amount and the sale deed was not complete. Bir Bahadur Rai and others filed petition before the Registrar for cancellation of the sale deed executed in favour of Anup Sagar Singh and others. In the meantime, the informant approached the petitioners to purchase the aforesaid land and accordingly, the petitioners executed the sale deed in favour of the informant. Anup Sagar Singh and others filed title suit no. 426/2009 in which the

informant also appeared and filed W.S. The suit filed by Anup Sagar Singh and others was decreed in favour of the plaintiffs. Appeal is pending. The informant did not prefer any appeal. Informant filed this case after more than six years from the execution of sale deed. The dispute is purely of civil nature.

On the other hand, learned counsel for the informant vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that the petitioners always assure to return the money, but the petitioners did not return the money and thereafter informant filed this case.

It appears that petitioner Santosh Kumar Ray was only introducer. He neither received money nor took part in execution of sale deed. Bir Bahadur Rai and his brothers are vendors and executed the sale deed on 23.07.2010 in favour of the informant after taking consideration amount. The case of the petitioners is that the informant knew this fact that the petitioners executed the sale deed in favour of Anup Sagar Singh in the year 2009, but he did not pay the entire consideration amount. Thereafter, Bir Bahadur Rai and others had filed a petition for cancellation of the sale deed and after that they executed the sale deed in favour of the informant. The informant knew all the facts. He also appeared in title suit filed by Anup Sagar Singh and filed W.S. Suit was

decreed, but the informant did not prefer any appeal and petitioners have filed appeal.

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 Chief Judicial Magistrate, Buxar in connection with Buxar (Town) P.S. Case No. 71/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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