

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28226 of 2016

Arising Out of PS.Case No. -416 Year- 2015 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Chandrashekhar Shahi S/o Brij Bihari Shahi
 2. Prince Kumar Shahi S/o Chandrashekhar Shahi Both residents of Village - Chanayan Bandh, P.O. Chanayan Bandh, Aruahwa, P.S. Majhauria, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shally Kumari

For the Opposite Party/s : Mr. Sri Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-07-2016

Petitioners are apprehending their arrest in a

case registered for the offences punishable under Sections 406, 420, 506 of the Indian Penal Code.

The prosecution case is that on 16.05.2011 the petitioner No. 1 Chandrashekhar Shahi sold his land to the informant through a registered sale deed and thereafter expressed his desire to sale another land appertaining to Plot No. 1473, Khata No. 14 measuring an area of 2 katha and 6 dhur at the rate of Rs. 80,000/- per katha, though the said land was already mortgaged in favour of one Mukesh Ram for Rs. 26,000/-. On 16.04.2014 the informant paid Rs. 1,04,000/- to the petitioner No. 1 and took his signature on the plain paper. On 26.04.2014 the informant further paid Rs. 10,000/- and Rs. 26,000/-. The petitioner No. 1 also put his

signature on the stamp paper of Rs. 50/- and it was agreed that the accused person will execute the sale deed on 15.04.2015 on payment of balance amount of Rs. 44,000/- but in spite of repeated request neither sale deed was executed nor the money was returned.

It is submitted by learned counsel for the petitioners that there is no proof with regard to the payment and the claim of the informant to have given money by taking signature on the plain paper appears to be unreasonable.

A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Considering the nature of accusation, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah in connection with Majhaulia P.S. Case No. 416 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Shageer/-

(Dinesh Kumar Singh, J)

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