

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 41267 of 2016

Arising out of P.S. Case No. - 75 Year - 2013 Thana - BENIPATTI District - MADHUBANI

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1. Pramod Kumar Chaudhary, S/o Late Kameshwar Chaudhary
 2. Binod Kumar Jha, @ Binod Jha, Son of Late Jagnath Jha
- Both Resident of Village - Basaitha, P.S. - Benipatti, District-
Madhubani

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ratnakar Jha, Advocate

For the Opposite Party : Mr. Sri Mukesh Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 06-10-2016

Heard both sides.

The petitioners apprehend their arrest in Benipatti P.S. Case No. 75 of 2013 registered for the offences punishable under Sections 406, 420, 467, 468, 471, 323 and 504 of the Indian Penal Code.

The informant alleged in his complaint petition that he made contact with Binod Kumar Jha, who is a land broker, to purchase a piece of land. Binod Kumar Jha introduced him with Pramod Kumar Chaudhary who agreed to sell 14 dhurs of land by the side of the road on payment of consideration money of Rs.3,00,000/-. The petitioner no. 1 executed the sale deed after receiving Rs.3,00,000/-. It is alleged that the land does not belong to the petitioner no. 1 and the same is Gairmajarua Aam. The petitioners cheated the informant by selling Gairmajarua Aam

land.

Learned counsel for the petitioners submits that there is nothing on record to show that the petitioners sold any gairmajarua land to the informant. The informant verified the document of land and only thereafter purchased the land from petitioner no. 1.

On the other hand, learned counsel for the informant vehemently opposed the prayer for anticipatory bail.

On the face of the allegation, it appears that the dispute is of civil nature.

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 bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Benipatti, Madhubani in connection with Benipatti P.S. Case No. 75 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Kundan

(Prabhat Kumar Jha, J.)

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