

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30066 of 2016

Arising Out of PS.Case No. -3 Year- 2016 Thana -GOGRI District- KHAGARIA

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1. Subash Singh S/o Late Mishri Singh
2. Daulat Singh @ Daulat Kumar Singh S/o Kamdev singh
3. Laxman Singh @ Laxman Kumar Singh S/o Kamdev Singh
4. Mithun Singh, S/o Subash Singh all resident of Village- Bhadlai, P.S- Gogri, District- Khagaria.
5. Ranjeet Singh, S/o Santosh Singh resident of Village- Baurna, P.S- Gogri, District- Khagaria

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ranjeet Kumar Singh, Adv.
For the Opposite Party : Mr. Rajballabh Singh, APP 122

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 08-09-2016

Heard both the sides.

The petitioners apprehend their arrest in Gogri P.S. Case No. 3 of 2016 under Sections 386, 447, 420, 406 and other sections of the Indian Penal Code.

The informant filed a complaint petition in which the informant alleged that on the eve of marriage of daughter of Kamdeo Singh there was a negotiation for selling a land of khata no. 141, khesra no. 2, area 5 bigha 10 katha and 15½ dhoor. The informant made payment of Rs.1,19,000/- in the account of Kamdeo Singh and his mother. The accused persons gave possession of land to the informant in the year 2005 itself, but, on 16.11.2015 the petitioners dispossessed the informant from the land.

The learned counsel for the petitioners submits that the petitioners have not received any farthing from the informant, no agreement for sale was made and the so called agreement of sale was made in the year 2005 itself, even the suit for specific performance of contract on the basis of the deed of agreement to sale executed in the year 2005 is barred by law of limitation. The informant after forging the documents filed this case with a view to grab the land of petitioners. The petitioners did not ever receive

any farthing from the informant.

On the other hand, the learned counsel for the informant as well as the Additional Public Prosecutor vehemently opposed the prayer for bail and submitted that witnesses have categorically stated about the agreement as well as payment of money, but, on the facts, itself, it appears that the deed of agreement to sale was executed in the year 2005, but, the informant did not ever file any suit for specific performance of contract, even after lapse of three years.

From the perusal of the first information report, it appears that the petitioners have not received even a single farthing from the informant.

Considering the facts and circumstances, the petitioners, above named, in the event of their arrest or surrender, within four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with the Gogri P.S. Case No. 3 of 2016 to the satisfaction of Shri Brajesh Kumar, Judicial Magistrate, 1st Class, Khagaria, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Prabhat Kumar Jha, J)

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