

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24131 of 2016

Arising Out of PS.Case No. -895 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Mary Alphonsa, D/o Late Anthony Chako, R/o 109, Patliputra Colony,
P.S. - Patliputra, District - Patna.
2. Sudhir Singh @ Sudhir Kumar Singh, S/o Late Bindeshwari Singh R/o
Don Bosco School, P.S. - Patliputra, District - Patna.
3. Ravindra Singh, S/o Late Bindeshwar Singh, R/o A.N. College, Boring
Road, Aadri Gali, Near Petrol Pump, P.S. - Patliputra, District - Patna.
.... Petitioner/s

Versus

1. The State of Bihar.
2. Arun Singh, S/o Late Kameshwar Singh, Resident of Village -
Alawalpur, P.S. - Gaurichak, District - Patna
.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Advocate.
For the Opposite Party/s : Mr. Binod Kumar III, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 16-08-2016 Heard both sides.

The petitioners, namely, Mary Alphonsa, Sudhir Singh @ Sudhir Kumar Singh and Ravindra Singh, apprehend their arrest in Complaint Case No. 895(C) of 2014 registered under Sections 406 and 420 of the Indian Penal Code.

Arun Singh, the informant, alleged that petitioner nos. 2 and 3, namely, Sudhir Singh @ Sudhir Kumar Singh and Ravindra Singh, approached him for purchasing a piece of land in the name of petitioner no. 1, Mary Alphonsa. They took his signature but did not read over the contents of the deed and instead of 2½ Kathas of land, they prepared deed of more than 2½ Kathas

of land. It is submitted that the petitioner no. 1 filed an
informatory petition (Annexure-2) on 23.03.2014 whereas the
complaint petition was filed on 21.07.2014. In the informatory
petition, the petitioner no. 1 stated that she made payment of Rs.
13,30,000/- through cheques and thereafter the complainant Arun
Singh executed a bond accepting Rs. 13,30,000/- and undertook to
execute the sale deed. It is submitted that the petitioners did not
play any fraud.

On the other hand, learned counsel for the
complainant has vehemently opposed the prayer for anticipatory
bail and submitted that the petitioners fraudulently got the sale
deed executed by the complainant with regard to 4 Kathas of land.

It appears that now-a-days the sale deed is executed
in presence of the Registrar and only after acceptance of full and
final payment, the sale deed is executed. The petitioner no. 1 Mary
Alphonsa paid Rs. 13,30,000/- to the complainant through
cheques. The petitioner no. 1 filed the informatory petition much
earlier to the complaint petition filed by the complainant.

Considering the facts aforesaid, the above named
petitioners, in the event of their arrest or surrender before the
learned 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 learned A.C.J.M., Patna City, Patna in Complaint Case No. 895(C) of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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