

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36449 of 2015

Arising Out of PS.Case No. -1529 Year- 2013 Thana -BEGUSARAI COMPLAINT CASE District-
BEGUSARAI

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1. Archana Kumari, wife of Ashok Kumar Das,
2. Ashok Kumar Das, son of Vishwanath
Both are residents of Village- Bhagwanpur, P.S.- Mufassil, District-
Begusarai.

.... Petitioners

Versus

1. The State of Bihar.
2. Raja Ram Thakur, Son of Kaleshwar Thakur, R/o Vill- Bariyarpur, P.S.-
Baliya, District- Begusarai.

.... Opposite Partys

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Appearance :

For the Petitioners : Mr. A.K. Thakur, Advocate
: Mr. Nilesh Kumar, Advocate
: Mr. Malay Kumar Choudhary, Advocate
For the O.P. no. 2 : Mr. Pankaj Kumar Singh, Advocate
For the State : Mr. Subhas Chandra Mishra, A.P.P.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

3 11-04-2016 Heard parties.

Petitioners apprehend their arrest in connection
with Complaint Case No. 1529C/2013 registered for offences
punishable under Sections 420, 323/34 of the Indian Penal Code.

As per the allegation, the petitioners who were
required to pay Rs.2, 42, 500/- as a consideration money, out of
which, they have only paid Rs. 1,42,500/- and Rs. 1,00,000/- has
remained due for payment at the time of handing over the
'Chirkut' but he somehow got certified copy of the sale deed and,
on the basis of that, mutation has already been done, however, the

original copy has not been supplied to the petitioners as they have not been able to produce the 'chirkut' after payment of balance amount.

Learned counsel for the petitioners submits that after the execution of sale deed, Rs. 90,000/- has already been transmitted in the account of the complainant but in the complaint case, it has been alleged that the amount was given for bringing certain materials from Delhi which have been brought and given to the petitioners but the petitioners now wants to grab his money on the strength of aforesaid transaction. Learned counsel for the petitioners further submits that it is not stated in the complaint petition that for bringing what materials from Delhi, Rs. 90,000/- was given. This is merely an afterthought. He submits that the case stands falsified in view of the fact that he was to deposit Rs.1,00,000/- but it is not understandable why he has deposited Rs.90,000/- only.

Learned counsel for the informant has repeated the allegations made in the complaint petition, however, he also admits that Rs. 90,000/- was transmitted by the petitioners to the account of the complainant, however, he has not been able to disclose as to what materials were brought by him and given to the petitioners.

Having regard to the facts and circumstances of the case, let the petitioners, namely, Archana Kumari and Ashok Kumar Das be released on bail in the event of their arrest/surrender before the court below within a period of six weeks from today in Complaint Case No. 1529C/2013, on furnishing bail bonds of Rs.10,000(Ten Thousand Rupees) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate, First Class, Begusarai subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure and further condition that the petitioners will be deposited Rs.10,000/- before the court below and the opposite party no.2 (complainant) would be at liberty to withdraw the same. However, such deposit would be subject to final result of the case and without prejudice to the stand which the petitioner may take in the trial.

(Dr. Ravi Ranjan, J.)

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