

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.55944 of 2015**

Arising Out of PS.Case No. -392 Year- 2015 Thana -KATIHAR COMPLAINT CASE District-  
KATIHAR

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1. Tribhuwan Prasad Singh @ Tribhuwan Singh Son of late Ramchabila singh  
2. Rajbhuwan Singh son of late Ram Chibila Singh  
3. Kanchan Devi W/o late Kanhaiya Singh all resident of Laliyahi, P.s Sahayak Dist Katihar.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Sailendra Kr. Singh son of late Bhuneshwar Pd. Singh R/o Goswala, P.s Katihar District Katihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar Pandey, Adv.  
For the Opposite Party/s : Mr. Bharat Lal(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

6      30-08-2016                      Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 420 and 406 of the Indian Penal Code.

The prosecution case is that the complainant and one Sanjay Kumar were persuaded by the accused persons for purchase of three acres of land appertaining to Khata No. 368 Plot No. 3014 for a consideration amount of ₹1,36,00,000/-, out of which ₹5,00,000/- as a part of consideration amount was deposited in the account of petitioner no.2, Rajbhuwan Singh while ₹10,00,000/- was deposited in the account of petitioner no.1,

Tribhuwan Prasad Singh and ₹5,00,000/- was deposited in the account of petitioner no.3, Kanchan Devi and consequently agreement to sale was prepared but thereafter sale deed was not executed. The complainant subsequently came to know that the petitioners have less than three acres of land as their shares.

On the joint prayer of the parties, the matter was referred to the mediation centre vide order dated 23.02.2016 but it appears from the report of the mediator dated 22.04.2016 that the issue could not be resolved between the parties.

It is submitted by the learned counsel for the petitioners that the petitioners admit the receiving of ₹20,00,000/- in the year 2015 and are ready to return the same subject to the result of Specific Performance Suit No. 80 of 2015 filed by the complainant. Moreover, the petitioners have no criminal antecedent, statement to that effect has been made in para 3 of the petition. It is further submitted that the complainant failed to make payment of consideration amount as a result the sale deed was not executed.

It is submitted by learned Senior Counsel for the complainant that the payment of ₹20,00,000/- and the execution of the agreement to sale are admitted by the petitioners, hence by their own admission, the petitioners cheated the complainant and

Sanjay Singh. Moreover, even today the complainant is not ready to execute the sale deed.

Considering the nature of accusation, it is a case for consideration of regular bail.

Let the learned court below consider the prayer for regular bail of the petitioners if they surrender within a period of six weeks in connection with Complaint Case No. 392 of 2015 pending in the court of learned JM, 1<sup>st</sup> Class, Katihar.

Accordingly, the application is disposed of.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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