

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51091 of 2015

Arising Out of PS.Case No. -1379 Year- 2015 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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Rakesh Kumar, S/o Anil Singh, resident of village- Pratapur, Police Station-
Karza, District- Muzaffarpur (Bihar)

.... Petitioner/s

Versus

1. State of Bihar
2. Kamlesh Kumar, S/o Late Ram Chandra Prasad Singh, R/o village- Lalu
chapra, P.S.- Paru, District- Muzaffarpur

.... Opposite Party/s

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with

Criminal Miscellaneous No.4313 of 2016

Arising Out of PS.Case No. -1379 Year- 2015 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

- =====
1. Lalan Prasad Singh Son of Late Maheshwar Singh resident of Village-
Pratappur, P.S.- Karja District- Muzaffarpur.
 2. Surendra Singh Son of Late Yamuna Singh Resident of Village- Naurang
Shahpur, P.S.- Karja, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Kamlesh Kumar S/o Late Ramchandra Pd Singh at present resident of
Village Patehi Jagarnath, L.P. Shahi College Road, P.S.- Sadar, Distt
Muzaffarpur.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.51091 of 2015)

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Indu Bala Pandey(App)

(In Cr.Misc. No.4313 of 2016)

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

7 17-05-2016

Heard learned counsel for the petitioners and the
State.

The petitioners are apprehending their arrest in a

complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 417, 420/34 of the Indian Penal Code.

The prosecution case is that the complainant entered into an agreement with petitioner Rakesh Kumar for purchase of land appertaining to khata no. 189, plot no. 1270, area 182 decimal situated at village Bisheshar Path, Thana no. 528, P.S.- Saraiya, District- Muzaffarpur. Consequently Rs. 1,20,000/- in two installments were given to Rakesh Kumar. The rest amount of Rs. 5,00,000/- was transferred in the account of co-accused Makeswar Prasad Singh, but ultimately, neither money was returned nor the sale deed was executed.

It is submitted by the learned counsel for the petitioners that the petitioner Rakesh Kumar admits that he entered into an agreement on behalf of land holder. Subsequently a Panchayati was held in which liabilities were fixed on four persons and the petitioner Rakesh Kumar was found liable for Rs. 2,07,400/-. He has already paid to the complainant and received the money receipt to that effect.

It is submitted on behalf of petitioners Lalan Prasad Singh and Surendra Singh that Lalan Prasad Singh is simply a witness of the agreement, whereas Surendra Singh no way connected with the agreement, nor any money

has been given to them. Statement has been made in para-3 of the petition that both the petitioners have no criminal antecedents and basically for a civil nature of dispute, maliciously the criminal case has been filed.

It is submitted by the learned counsel for the complainant that all the petitioners were jointly worked as a broker and the payment of Rs.1,20,000/- was given to petitioner Rakesh Kumar in cash, whereas Rs. 5,00,000/- was transferred in the account of Makeshwar Prasad Singh at the behest of petitioners, who subsequently gave these money to petitioners.

Having considered the rival submissions of the parties and perusing the record, it appears that the matter was referred to the Mediation Centre of State Legal Services Authority vide order dated 09.11.2015, but the issue could not be resolved, which reflects from the report of the Mediator at Flag-M dated 18.12.2015.

Considering the fact that the major amount was transferred in the account of Makeshwar Prasad Singh and the contractual nature of dispute, let the above named petitioners be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sri Manish Kumar

Pandey, J.M., Ist Class, Muzaffarpur in connection with
Complaint Case No. 1379 of 2015, subject to conditions as laid
down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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