

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30654 of 2016

Arising Out of PS.Case No. -537 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Kaushalya Kunwar @ Kaushila Devi & Ors wife of late Shiv Kumar Thakur
2. Ajay Kumar
3. Chunnu Lal
4. Jairam Yadav @ Jairam Kumar All Son of late Shiv Kumar Thakur resident of Mohalla Sultanpur, Ward No. 14, P.S. Danapur, District Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Pradip Kumar Son of late Doman Mahto resident of Mohall Sultanpur, Ward no. 17, P.S. Danapur, Cantt, District Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Vikram Singh

For the Opposite Party/s : Mr. Sri Amit Kumar Rakesh

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 04-08-2016 Heard learned counsel for the petitioners as well as

learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in Complaint Case No.537(C) / 2015 for the offences under Sections 406,420,504 and 120 (B) of I.P.C.

Learned counsel for the petitioners submits that the allegation is purely one arising out of a civil dispute. The allegation against the petitioners is that on 28.4.2012 an agreement to sell the house of the petitioners was prepared for which consideration money a sum of Rs.15/- lacs was fixed between the

parties, out of which the informant gave Rs.12/- lacs to the petitioner and to that effect the petitioner put her signature on the baibeyana deed and on 10.4.2012 again Rs.3/- lacs was also paid to the petitioner. But after giving Rs.15,00000/- by way of consideration money, the house in question which was purported to have been transferred in the name of the complainant, was not transferred and despite repeated request the same was not executed. Learned counsel for the petitioners further submits that for the said dispute, by way of remedy, a suit for specific performance Act can be filed between the parties.

Considering the facts and circumstances of the case, and in view of the nature of dispute and also the petitioners have got no criminal antecedent, let the petitioners, above named, in the event of their arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of A.C.J.M., Danapur, in Complaint Case No.537 (C) / 2015 subject to the conditions as laid down under Section 438(2) of Cr.P.C..

(Anjana Mishra, J)

AnilKrSinha/-

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