

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29262 of 2016

Arising Out of PS.Case No. -588 Year- 2014 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

- =====
1. Laxmi Narayan Pandit, Son of Late Gobardhan Pandit
 2. Shiv Shankar Pandit, son of Ram Bilas Pandit.
 3. Gorakh Pandit, son of Ram Bilas Pandit All are resident of Village-
Arwal Sipah, Ward No. 6, P.S.- Arwal, District Arwal.

.... Petitioners

Versus

1. The State of Bihar.
2. Malti Devi, wife of Rajballabh Ram, resident of Village- Shadipur, P.S-
Karpi, District- Arwal.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate
For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**
ORAL ORDER

4. 08-11-2016 Supplementary affidavit is filed on behalf of the petitioners.

Heard learned counsel for the petitioners, learned Addl. Public
Prosecutor for the State as well as learned counsel appearing for the
complainant.

Petitioners apprehend their arrest in connection with Complaint
Case No.588 of 2014 in which cognizance has been taken under section 420
of the Indian Penal Code.

The accusation against the petitioners is that they took
Rs.22,88,000/- for selling 2 katha lands in favour of the complainant and,
accordingly, sale deed was executed but after execution of the sale deed when
complainant got measured the lands only one and half katha land was found
on the spot.

It would appear from the record that after enquiry, the learned court below issued summons against the petitioners.

A Co-ordinate Bench of this Court has already held in a judgment that mere issuance of summon in complaint case does not amount to apprehension of arrest and, therefore, anticipatory bail is not maintainable.

The fact of the present case appears to have constituted a dispute of civil nature but only summons have been issued against the petitioners and, therefore, I am of the opinion that petitioners do not have any apprehension of arrest. Accordingly, this petition stands dispose of with direction to petitioners to surrender before the Chief Judicial Magistrate, Arwal/concerned court in connection with Complaint Case No.588 of 2014 and seek regular bail within six weeks from the date of receipt of this order to the concerned court and if they do so, the learned court below shall pass appropriate order in accordance with law without being prejudiced by this order.

(Hemant Kumar Srivastava, J)

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