

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51354 of 2015

1. Uma Shankar Prasad Mahto, son of Baidyanath Prasad Mahto.
2. Munni Devi, wife of Uma Shankar Prasad Mahto. Both residents of Village- Garhiya, Bhaptiyahi Bazar, P.S.- Bhaptiyahi, District- Supaul.

.... Petitioners

Versus

1. The State of Bihar.
2. Siya Ram Yadav, Son of Bhola Yadav, Resident of village- Hariraha, P.S.- Karjain, District- Supaul.

.... Opposite Parties

Appearance :

For the Petitioners : Mr. Pramod Mishra, Advocate.
For the State : Mr. Anish Chandra(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 22-02-2016 Heard learned counsel for the petitioners, complainant and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Complaint Case No. 316C of 2015 for the offences instituted under Sections 406, 420, 467, 468 and 120(B) of the IPC.

The prosecution story, in brief, is that the complainant and petitioner no. 1 negotiated for purchase and sale of 17-13-11 dhur land for which consideration money of Rs. 68,00,000/ was settled and an amount of Rs. 60,48,000/- was paid by the complainant through Bank Account. It is further alleged that two sale deeds were executed by petitioners in favour of wife of the



complainant for an area of 02 Bigha and 16 Katha and for rest land the petitioners and one co-accused were not ready to execute the sale deed then a pleader notice was served upon the petitioner no. 1 by the complainant and same was refused by him by way of reply and claimed over the dues amount of Rs. 3,49,000/-. Hence, the petitioners alongwith co-accused Chandra Kishore Choudhary cheated the complainant.

It has been submitted on behalf of the petitioners that the petitioner no. 2 has got no criminal antecedent. She is a lady. The petitioners are said to have executed sale deeds in favour of wife of opposite party no.2. They have claimed to be bonafide title holder of the land in question. The matter relates to civil dispute.

On behalf of the learned counsels for the State and complainant it has been submitted that there are as many as two criminal cases against the petitioner no. 1. Hence, he does not deserve to be granted anticipatory bail.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner no. 1, Uma Shankar Prasad Mahto. The same is rejected in Complaint Case No. 316C/2015, pending in the court of the learned S.D.J.M., Birpur, Supaul. Anyhow, if the petitioner no. 1 surrenders in the court below the same shall be considered on its own merit without

being prejudiced by this order.

So far as petitioner no. 2, Munni Devi is concerned, taking account that she is a lady, let her be released on bail in the event of her arrest or surrender before the learned court below within a period of six weeks from today in connection with Complaint Case No. 316C/2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Birpur, Supaul, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)