

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14860 of 2017

Arising Out of PS.Case No. -28984 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

- =====
1. Sushila Singh, Wife of- Late Pushkar Krishna Sinha.
 2. Prabhakar Krishna Sinha, Son of- Late Gopi Krishna Sinha. Both Resident of Maheshpur House, Near Congress Maidan, P.S.- Kadamkuan, District- Patna, At present residing at Sai Nilyam Apartment, Police Colony, Anisabad, P.S.- Gardanibagh, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. M/s Sri Avinash Infrastructure Pvt. Ltd. having its registered office at CA/62, P.C. Colony Kankarbagh, P.S.- Kankarbagh, District/ Town- Patna and Corporate Office at 435, Addison Arcade, Frazer Road, P.S.- Kotwali, District/ Town- Patna, through its Managind Director Manindar Nath Mishra, Resident of CA/62 P.C. Colony Kankarbagh, P.S.- Kankarbagh, District/ Town- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 06-04-2017

Heard learned counsel for the petitioners.

The petitioners are apprehending their arrest in connection with Complaint Case No. 28984C/2014 lodged for the offences punishable under Sections 120B, 406 and 420/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that the allegations against the petitioners are that an agreement had been made by the mother-in-law of the petitioner No. 1 with the



complainant with respect to some land for which a Cheque of Rs. 5 lacs was given to one Madhuri Sinha and thereafter the agreement was also executed but despite that she has not handed over the land and later on the complainant came to know that agreement was made with some other persons as such the complaint case has been filed. However, it has been submitted on behalf of the petitioners that they are only witnesses in the agreement and further the complainant has already filed Title Suit No. 5601/2014 for specific performance of contract on 22.8.2014 and as such this case has only been lodged to harass and humiliate the petitioners.

Heard learned APP also.

Having heard both sides and in view of the fact that for the same subject-matter, there is a case for specific performance of contract and the petitioners are only witnesses to the agreement, let the petitioners, above named, in the event of their arrest or surrender in the court below within a period of two weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Smt. Sangeeta Rani, Judicial Magistrate, 1st Class, Patna in Complaint Case No. 28984C/2014,



subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and the bailors of the petitioners shall be local persons having sufficient immovable property within the jurisdiction of the concerned court.

(Vinod Kumar Sinha, J)

S.Pandey/-

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