

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47696 of 2017

Arising Out of PS.Case No. -320 Year- 2016 Thana -SAHPUR District- BHOJPUR

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1. Rabindra Sharma, Son of Rama Shankar Sharma R/o Vill + P.O. - Shahpur, Dist. - Bhojpur, at present Vill. - Gundi Saraiya, P.O. - Gundi Saraiya, P.S. - Barhara, Dist. - Bhojpur.
 2. Munna Sharma, S/o Late Parmatma Sharma R/o Vill. + P.O. + P.S. - Shahpur, Dist. - Bhojpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Smt. Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 18-10-2017

Heard learned counsel for the petitioners

and the learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 323, 406, 420 and 504/34 of the Indian Penal Code.

The prosecution case got initiated with filing of Complaint Case No. 1891 of 2016 which ultimately got registered as Shahpur P.S. Case No. 320 of 2016 with accusation under Sections 323, 406, 420 and 504/34 of the Indian Penal Code. The accusation is that the informant's mother executed a sale deed with regard to 3 decimals of the land on 22.06.2016 for consideration amount of Rs.4,50,000/- in favour of Dayanand Sharma, but neither the consideration amount was given to her



nor it was deposited in her account.

It is submitted by learned counsel for the petitioners that even assuming the accusation no offence is made out as the sale deed has been registered with stipulation that the executant has received the consideration amount. Moreover, petitioner no. 1 is only a witness to the sale deed whereas petitioner no. 2 has no concern with the alleged sale deed. The actual beneficiary of the sale deed is Dayanand Sharma.

Considering the nature of accusation, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Ccourt 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 Additional Chief Judicial Magistrate-IV, Bhojpur at Ara in connection with Shahpur P.S. Case No. 320 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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