

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35481 of 2017

Arising Out of PS.Case No. -356 Year- 2016 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

- =====
1. Ranju Devi, W/o Anil Kumar Das,
 2. Anil Kumar Das, Son of Late Ramdeo Das, Both are R/o Mohalla-
Police Line, T.V. Tower Center, P.S.- Katihar, District- Katihar.

.... Petitioners

Versus

1. The State of Bihar .
2. Babita Devi, W/o Binay Singh, R/o Mohalla- Sant Colony, P.S.-
Katihar, District- Katihar.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Binod Kumar, Advocate
For the Opposite Parties : Mr. Kumar Kaushal, Advocate
For the State : Dr. Indrawan Kumari, (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 16-08-2017 Heard learned counsel for the petitioners, learned

counsel for the complainant and learned counsel representing the

State.

The petitioners apprehend their arrest in connection
with Complaint Case No. 356 of 2016 registered for the offences
punishable under Sections 420, 467, 468, 406 and 471 of the
Indian Penal Code.

As per complaint case, the petitioners executed
agreement to sale in favour of the complainant and earlier they
took advance of Rs. 35,000/- and thereafter took Rs. 3,05,000/- but
the land in question was already sold by Ranju Devi in favour



of Damyanti Devi on 11.07.2013 itself.

Submission is of false implication and that the prosecution story appears not reliable and believable, the agreement was executed with condition that within eleven months the whole consideration money will be paid and sale deed will be executed, but the complainant did not arrange the money. The allegation for giving Rs. 3,05,000/- is false, no such agreement was executed. Moreover, the dispute appears purely of civil nature as the complainant ought to have filed case for specific performance of contract but she has filed this complaint case and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the complainant opposes the prayer of pre-arrest bail by submitting that from beginning the intention of the petitioners was to cheat the complainant and even after execution of sale deed in favour of accused no.3 they received the balance consideration amount of Rs. 3,05,000/- on 30.12.2013 though sale deed has already been executed on 11.07.2013 and, as such, the petitioners do not deserve pre-arrest bail .

In the facts and circumstances as stated above, considering the nature of dispute, the petitioners in the event of their arrest or surrender within four weeks from the date of



receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Complaint Case No. 356 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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