

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39500 of 2017

Arising Out of PS.Case No. -545 Year- 2016 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Satyendra Kumar
2. Ravi Kumar
Both son of Ram Naresh Verma
3. Ram Naresh Verma Son of late Hari Bhajan Verma
All resident of village- Bhagwatipur, P.S.-Bihta, District-Patna
..... Petitioner/s

Versus

1. The State of Bihar
2. Shyam Rai, son of Late Hardev Rai, resident of village-Bhagwatipur,
P.S.-Bihta, District-Patna
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma
For the Opposite Party/s : Mr. Sri Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 21-08-2017 Heard the learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Complaint Case No. 545 (C) of 2016 instituted for the
offences punishable under Sections 323, 379, 504 and 420/34 of
the Indian Penal Code.

As per the complaint petition, the petitioner nos. 1
and 2 executed a deed of agreement for executing the sale deed
with respect to 3.333 decimals land for a total consideration of Rs.
one lacs. Out of the said amount, the complainant paid an amount
of Rs. 80,000/- and the petitioner nos. 1 and 2 agreed to execute



the sale deed and on demand, the accused persons entered into his house and assaulted him and also took away household articles.

Learned counsel for the petitioners submits that the land, which was allegedly to be sold to the complainant was actually purchased by the petitioner nos. 1 and 2 from the complainant in the year 2010 for a consideration of Rs. 82,000/- by virtue of the registered sale deed. There was no contract to re-convey the said land. The allegation of theft of articles is ornamental only to make the offence grave. The dispute between the parties is purely a civil dispute and so, all the petitioners deserve anticipatory bail. It was submitted that the petitioner No. 2 is a Bank employee and on the date of alleged occurrence he was on duty.

The learned counsel for the Opposite Party No. 2 and A.P.P. for the State opposed the submission.

On perusal of the complaint petition, it appears that there is bona fide land dispute between the parties. The land in question was earlier conveyed to the petitioner nos. 1 and 2 by virtue of registered sale deed executed in the year 2010. The petitioners allege that the said agreement is forged and fabricated. The complainant has remedy to seek the relief by filing a civil suit for specific performance of contract on the basis of agreement in



question. The allegation of taking household articles appears omnibus.

In the facts and circumstances of the case, the anticipatory bail prayer is allowed. The petitioners, above named, in the event of arrest / surrender within six weeks from today, 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 Additional Chief Judicial Magistrate, Danapur, in connection with Complaint Case No. 545(C) of 2016, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sanjay Kumar, J)

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