

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4853 of 2017

Arising Out of PS.Case No. -2345 Year- 2014 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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1. Asharfi Mallik S/o Late Rijhan Mallik
2. Shakuntala Devi, W/o Asharfi Mallik both Resident of Village- Bhatta Tola, P.S.- Mufassil, District- Katihar, (At present- Sadar Hospital, Campus, Katihar.)

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dukhani Devi, W/o Late Visheshwar Das, Resident of Village- Bhatta Tola, P.S.- Muffasil, District- Katihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar
For the Opposite Party/s : Mr. Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 14-02-2017 Heard the parties.

This application has been filed in connection with Complaint Application No.2345 of 2014 for the offence under Sections 341, 323, 467, 468 and 420 of the Indian Penal Code.

It is submitted on behalf of the petitioners that the allegation against the petitioners is that in spite of taking money they are not executing the sale-deed and in such circumstances, this is a case of civil dispute but criminal case has been filed to pressurize the petitioner.

Heard learned A.P.P. also.

Having heard both sides. In view of the fact that the



allegation in this case relates to transaction of sale-deed, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of Sri M.K. Jha, J.M. 2nd Class, Katihar in connection with Complaint Application No.2345 of 2014, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when required by the Police and on the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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