

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7364 of 2017

Arising Out of Complaint Case No. -2124 Year- 2014 Thana -PURNIA COMPLAINT CASE
District- PURNIA

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1. Manoj Chaudhary, son of late Gonu Choudhary
 2. Akhilendra Kumar Singh, son of Salik Singh
Both r/o Ramnagar, P.S. K. Hat, Distt. Purnea
 3. Jai Chaudhary, son of Lattu Chaudhary, r/o Rambagh, P.S. Sadar, Distt. Purnea
 4. Prabhakar Kumar, son of late Satyendra Singh, r/o Prabhat Coloney, Near Bhootnath Mandir, P.S. K. Hat, Distt. Purnea.
 5. Sravan Kumar Sah, son of late Moti Lal Sah, r/o village Kasba, P.S. Kasba, Distt. Purnea.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Sakara Pravin, wife of Md. Javed Jahir, r/o Garhbanaili, P.S. Kasba, Distt. Purnea.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Bidhu Ranjan, Advocate.

For the Opposite Party/s : Smt. Anita Kumari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 17-03-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Complaint Case No. 2124 of 2014 instituted for the offence under Sections 406, 420, 380 and 120B of the Indian Penal Code.

It is alleged by the complainant that she entered into an agreement with the accused persons for selling the brick kiln on a consideration amount of Rs.61,00,000/-. The accused persons paid Rs.5,00,000/- as advance and removed all the bricks from the



brick kiln. They did not pay the remaining consideration amount. Besides this, the accused persons have stolen away the generator set and other materials. The accused persons got one title suit filed by the co-accused Srawan Kumar Sah claiming title over the land for which they have entered into an agreement with the complainant.

It has been submitted on behalf of the petitioner that the complainant on Solemn Affirmation has stated that she had talked to sell the land of brick kiln amounting to Rs.1.5 crores. Thereafter, the accused persons gave Rs.11,00,000/- to the informant and then an agreement was prepared. The accused persons paid total sum of Rs.41,50,000/- to the complainant. Thereafter a Title Suit was filed and accused persons started giving pressure to the complainant to execute the sale deed.

In this manner, after looking into the Solemn Affirmation of complainant as well as the allegation in the complaint petition, this Court is of the view that the dispute is purely civil in nature.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Complaint Case No.



2124 of 2014, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, subject to the conditions as laid down under Section 438 (2) Cr. P.C.

S.Ali/-

(Sanjay Priya, J)

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