

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38177 of 2017

Arising Out of PS.Case No. -2514 Year- 2012 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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1. Kamrul Nesha wife of Late Nurul Hoda.
2. Guddu Miyan son of late Nurul Hoda.
3. Basaruddin Miyan alias Halchal Miyan son of Late Manjur Miyan.
4. Sikandar Miyan son of Late Abdul Miyan,
All residents of village-Dharampur, PS-Sikta, District-West Champaran.
..... Petitioner/s

Versus

The State of Bihar & Anr.
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.
For the Opposite Party/s : Sri Shyam Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 18-08-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend arrest in connection with
Trial No. 2447 of 2016 arising out of Complaint Case No. 2514-C
of 2012 registered for the offence(s) punishable under section(s)
323, 504 and 420 of the Indian Penal Code.

The complainant has alleged that the petitioner no. 1
executed a sale deed in his favour on 13.04.2011, but he did not
put him in possession over the said land and thus the petitioner no.
1 has cheated the complainant and also committed breach of trust
by retaining the amount which was paid as cost of the land.
Petitioner nos. 2, 3 and 4 are son, brother-in-law and middleman



who had finalized the contract between the parties.

The learned counsel for the petitioners submits that the husband of petitioner no. 1 had purchased the said land from recorded tenant namely, Jaddu Mahto. The descendants of recorded tenant have filed a T.S. No. 246 of 2011, against the purchasers for declaration of their right and title. The petitioner no. 1 inherited the land from her husband and being in peaceful possession, has rightly executed the sale deed in favour of the complainant. Dispute between the parties is purely a civil dispute and no offence under section 420, 504 and 323 of the Indian Penal Code is made out.

The learned A.P.P. on the other hand opposed the submission.

On perusal of the complaint petition and annexures enclosed with the application, I find that the petitioner no. 1 had executed a sale deed in favour of the complainant. The husband of petitioner no. 1 had acquired the said land from the recorded tenant. The son of Juddu Mahto has filed a T.S. No. 246 of 2011 against the petitioner no. 1 and the said suit is pending before the Sub-Judge Court, West Champaran, Bettiah. The matter is pending for adjudication of right and title of the parties.

Considering the nature of allegation which appears



to be a civil dispute, facts and circumstances, as stated above, this application for anticipatory bail is allowed.

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. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, West Champaran at Bettiah in connection with Trial No. 2447 of 2016 arising out of Complaint Case No. 2514-C of 2012, subject to the condition as laid down under Section 438 (2) of the Criminal Procedure Code.

(Sanjay Kumar, J)

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