

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13394 of 2017

Arising Out of PS.Case No. -341 Year- 2016 Thana -SHASTRINAGAR District- PATNA

- =====
1. Sunita Singh , Wife of Sudhir Kumar Singh.
 2. Sudhir Kumar Singh, Son of Shabi Prasad Singh.
- Both are Resident of - Flat No.608, Vasundhra Palace, Ashiyana Road,
P.S.- Shashtri Nagar, District- Patna.

.... Petitioners.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioners : Mr.
For the State : Mr.
For the Informant : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

4 13-07-2017 Heard learned counsel for the petitioners and the learned
A.P.P. for the State as also the learned counsel for the informant.

The petitioners apprehend their arrest in connection with
Shashtri Nagar P.S. Case No.341 of 2016/G.R. No.4566 of 2016
registered under Sections 420 and 406 of the Indian Penal Code.

The accusation is that the petitioners, who are wife and
husband respectively, approached the informant Sujit Kumar, who
is the Managing Director of M/s. Bhagwati City Home Private
Limited and used to construct the multistoried building, in his
office for the development of their Plot No.145, measuring an area
of 5 Katha, of Khata No.318, A.G. Colony, Patna, assuring him



that the plot is dispute free. The informant relying on the statement of the petitioners became ready for constructing the multistoried building over their plot and, thereafter, Registered Development Agreement was prepared on 16.06.2012. At that time, the petitioner no.2 also took Rs.5,00,000/- from the informant showing the urgency on issuing the receipt. After execution of the development agreement, the informant filled the soil and sand over the said plot and started the piling work over the same. In the meantime, some persons came on the said plot and get stopped the work. Thereafter, the informant informed the petitioners regarding the same, who assured him that the dispute will be solved very soon. In spite of the request, the petitioners could not succeed in solving out the dispute. Thereafter, the informant sent the legal notice to the petitioners on 19.05.2016 but no proper response was given to the informant with respect to the said notice by the petitioners. As such, the petitioners committed fraud with the informant by taking Rs.5,00,000/-, as given by the informant to the petitioner no.1, and expending Rs.25,00,000/- of the informant in developing the work over the said plot.

Learned counsel appearing on behalf of the petitioners submits that, in fact, the land in dispute is recorded in the name of the petitioner no.1 Sunita Singh and the rent receipt is also issued



in her favour. After execution of the development agreement, the petitioners came to know about filing of Title Suit No.770 of 2010 by the other family members, in which the stay has not been granted as yet.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Mrs. Aditi Gupta, Judicial Magistrate, First Class, Patna, in connection with Shashtri Nagar P.S. Case No.341 of 2016/G.R. No.4566 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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