

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47583 of 2016

Arising Out of PS.Case No. -2554 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Dilip Kumar, S/o Late Ram Babu Yadav
 2. Sunita Devi W/o Dilip Kumar, Both are resident of Kumhrar, Nayatola, P.S. Agamkuan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sri Lal Babu Priyadarshi, S/o Late Thakur Prasad Yadav
3. Dr. Madhuri Yadav, W/o Sri Lal Babu Priyadarshi Both resident of Ramayan Market, Bakarganj, Daldali Road, P.S.- Kadamkuan, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Sinha

For the Opposite Party/s : Mr. Smt. Gulnar Begam

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

7 02-03-2017 Heard the learned counsel for the petitioners, the learned A.P.P. for the State as also the learned counsel for the Complainant.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Complaint Case No. 2554 (C) of 2012 for the offences punishable under sections 406 and 420 of the I.P.C.

Allegedly, the petitioners after duping the complainant got power of attorney from the wife of the complainant which she has purchased for executing the lease etc.



and thereafter sold the said land to petitioner no.2 and did not pay the single paise and grab the amount. As per present government rate it is Rs. 14,50,000/- per katha, Rs. 50,00,000/- comes and for that the wife of the complainant is entitled which the petitioners after hatching conspiracy have grabbed. The petitioners have cheated the complainant after duping confidence and after hatching conspiracy grabbed the sale amount.

Submission is of false implication and that it is out and out a civil dispute, no offence as alleged is made out, the dispute relates regarding power of attorney and for executing the sale deed, the power of attorney and the sale deeds can be declared illegal through the competent civil court and not by this Court, no forgery was committed by the petitioners which is evident from the power of attorney itself, in power of attorney the right to sell was also given and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the complainant opposes prayer for pre-arrest bail of the petitioners by submitting that the petitioners after hatching up conspiracy have cheated the complainant and his wife and are not ready to pay the consideration money which they have received after selling the land.



In the facts and circumstances as stated above, considering the nature of dispute, the petitioners, in case of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall 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. A.C.J.M- Cum- Sub. Judge-II, Patna in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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