

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43070 of 2017

Arising Out of PS.Case No. -57 Year- 2017 Thana -PHULWARIA District- BEGUSARAI

=====

1. Rushma Devi W/o Gopal Kumar
2. Gopal Kumar S/o Late Shiv Narayan Sah R/O- Fulwaria-03, P.S.-
Fulwaria, Dist.- Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey

For the Opposite Party/s : Mr. Sri Ram Bilash Roy Raman

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 20-09-2017 Heard the parties.

This application, for grant of anticipatory bail, arises out of Fulwaria P.S. Case No. 57/2017, disclosing offences under Sections 406, 420, 34, 506 and 504 of the Indian Penal Code.

The allegation against the petitioners is that petitioner no. 1 executed agreement for sale of a piece of land in favour of the informant for a consideration amount of Rs. 9,95,000/-, out of which, the informant had paid a sum of Rs. 7,15,000/-.

Sum and substance of the allegation is that petitioner no. 1 has refused to execute registered sale deed in terms of the said agreement to sale.



Learned counsel for the petitioners has submitted that the dispute between the parties is purely of civil nature, which has been given colour of a criminal case. Petitioner no. 2 has been implicated as an accused because he is husband of petitioner no. 1.

Learned counsel for the informant has vehemently opposed the prayer for anticipatory bail and has submitted with reference to counter affidavit, which has been filed today, that there are clinching evidence to suggest that petitioner no. 1 had accepted the said amount of Rs. 7,15,000/- in terms of the agreement to sale as executed by her.

In response to a query, learned counsel for the informant states that till date no suit for specific performance of contract has been filed.

Learned counsel for the petitioners appears to be right in his submission that the dispute between the parties is primarily civil in nature.

Considering the facts aforesaid, this application is allowed. Let the petitioners above named, in the event of their 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 Chief Judicial Magistrate,**



Begusarai in connection with Fulwaria P.S. Case No. 57/2017, subject to the condition laid down under Section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Rakhi

U		T	
---	--	---	--

