

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35839 of 2016

Arising Out of PS.Case No. -36 Year- 2016 Thana -DAGARUA District- PURNIA

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1. Bibi Jarina Wife of SK. Ayub
 2. SK. Ayub alias SK. Ayib son of Late SK. Safir
 3. Md. Shamim @ Samim son of Md. Kalim
 4. Md. Firoz son of Md. Kalim All resident of Village Laduwa, P.S. Dagarua, District Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Sri Aditya Narayan Singh 1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

04/ 20-01-2017

Heard learned counsels for the petitioners,

State and the informant.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 120B, 467, 468, 406, 420 and 504/34 of the Indian Penal Code.

The prosecution case is that the petitioners Ayub and Bibi Jarina transferred by registered sale deed dated 23.09.2013 three decimals of land appertaining to Thana No. 318 Khata No. 51 Plot No. 1. Subsequently, the petitioners promised to transfer further three decimals of land appertaining



same khata no. under an oral agreement. The informant paid Rs.70,000/- in three installments (30+20+20) but the sale deed was not executed leading to filing of Complaint Case No. 705 of 2015 on 10.03.2015 which ultimately transferred under Section 156(3) Cr.P.C. for registering police case and consequently Dagarua P.S. Case No. 36 of 2016 was registered on 10.04.2016.

It is submitted by learned counsel for the petitioners that there is no proof with regard to the payment as per the case of the informant. He is claiming transfer of three decimals of land on the basis of oral agreement and even assuming the accusation no case under Section 406 of the IPC is made out.

It is submitted by learned counsel for the informant that payment was made in presence of the witnesses and the informant paid Rs.70,000/- in three installments and thereafter the petitioners have cheated the informant.

It appears that on the joint prayer of the parties, the matter was referred vide order dated 06.09.2016 to the Mediation and Conciliation Centre of the State Legal Services Authority. The report of the Mediator dated 13.12.2016 at Flag 'B' reflects that the issue could not be resolved through the process of mediation.



Considering nature of accusation arising out of contractual nature of relationship between the informant and the petitioners, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Purnea in connection with Dagarua P.S. Case No. 36 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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