IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14037 of 2017

Arising Out of PS.Case No. -249 Year- 2016 Thana -RUPASPUR District- PATNA

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1. Brahamdei Devi, Wife of Late Gajendra Rai, Resident of Village and P.S. Rupaspur, District Patna.
2. Shambhu Singh, Son of late Rama Ashray Singh, Resident of Village-Mahabir Chowk, Anishabad, P.S. Gardanibagh, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Nilesh Kumar, Advocate
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 27-03-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Rupaspur P.S. Case No. 249 of 2016 instituted for the offence under Sections 420, 504 and 34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that agreement for sale was entered into between the petitioners and the informant with other intended purchaser. The purchaser did not comply the terms of the agreement and, hence, the petitioners cancelled the agreement on 30.7.2016 vide Annexure-5. Thereafter, the petitioners filed a title suit No. 274 of 2016 along with an application under order 39 Rule 1 and 2 read with Section

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151 of the Code of Civil Procedure and, thereafter, the instant case has been filed by the informant against the petitioners.

In this manner, from the allegation in the written report, annexure filed as well as the submission made on behalf of the petitioners, it appears that the case is purely civil in nature.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Rupaspur P.S. Case No. 249 of 2016, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-2, Danapur, Distt, Patna, subject to the conditions as laid down under Section 438 (2) Cr. P.C.

(Sanjay Priya, J)

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