

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47199 of 2016

Arising Out of PS.Case No. -1956 Year- 2014 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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1. Shiv Narayan Ojha @ Sheo Narayan Ojha, Son of Umanath Ojha, Resident of Quarter No. D.T. 1312 (H) Dhurva, P.S.- Jagannathpur, District- Ranchi (Jharkhand).
 2. Guddu Pandey, Son of Ram Shankar Pandey, Resident of Mohalla- Near Sonu Stores, Kavnaar Toli, Hesang, Hatiya, P.S.- Hatiya, District- Ranchi (Jharkhand).
 3. Smt Suman Sahai @ Suman Sahay, Wife of Vinay Kumar, Resident of Mohalla- Singh More, Road No. 4, Kalyanpur Hatiya, P.S.- Hatiya District- Ranchi (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar
2. Vijay Kumar Sinha, Son of Late Shyam Nandan Prasad Sinha, Resident of Mohalla- Bagdulhan, P.O.- Hajipur, P.S.- Hajipur Town, District- Vaishali.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar -1, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

12 19-06-2017 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 406/420/467/468/472/120B/34 of the Indian Penal Code.

The complainant had entered into an agreement to purchase a flat from the firm of the petitioners. The petitioners transferred the said flat to some other person by a registered sale



deed in spite of receipt of part consideration money from the complainant as such the complainant found himself cheated.

Learned counsel for the petitioners submits that for specific performance of the contract, the complainant had already brought a civil suit in the competent Court. Moreover, Mrs. Bina Devi, the full sister of the complainant, subsequently entered as partner of the firm and she defalcated huge amount of the firm of the petitioners. For recovery of the same the petitioners have already filed a case against Mrs. Bina Devi.

Learned counsel for the complainant opposed the prayer for anticipatory bail on the ground that if ingredients of a criminal offence are also made out the pending civil suit is no bar for criminal prosecution. No consideration money was paid in the account of Mr. Bina Devi rather it was paid in the account of firm of the petitioners. Hence, prima facie case is made out against the petitioners.

Considering the fact that the matter appears to be of civil dispute, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the



satisfaction of Smt. Swati Kumari, learned Judicial Magistrate, Vaishali at Hajipur/Successor Court in connection with Complaint Case No.C1956 of 2014, giving rise to S.T. No.2607 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. With further condition that petitioners shall fully cooperate with the investigation and trial of the case, failing which the Court-below shall be at liberty to take steps for cancellation of the bail-bonds of the petitioners in this case.

(Birendra Kumar, J)

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