

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51568 of 2017

Arising Out of PS.Case No. -129 Year- 2017 Thana -NAWADA District- NAWADA

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1. Shishu Pal Singh @ Shishu Pal Kumar, Son of Dilip Singh.
 2. Kartik Kumar, Son of Kanhaiya Lal Singh. Both resident of Village-Madhobigha, Police Station- Mufassil, District- Nawadah.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Murari Narayan Chaudhary, Advocate
Mr. Mohit Srivastava, Advocate
Mr. Arjun Prasad, Advocate

For the Informant : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. S. Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 09-11-2017 Heard learned counsels for the petitioners,
informant and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 406, 420, 341, 323, 504, 506 and 379/34 of the Indian Penal Code.

The prosecution case got initiated with the written report of Geeta Devi is to the effect that she bought one acre and half decimal of land from co-accused Dilip Singh, his son Rohit Singh and daughter Chandani Singh vide registered sale deed No. 8786 dated 01.10.2016 for Rs.39,73,000/- but due



to mistake Plot No. 1115 has been typed instead of Plot No. 1155. The informant requested Dilip Singh to get the plot number corrected, he assured that the correction will be made but it was not made. On 03.10.2016 the three accused persons further persuaded the informant to purchase further land for consideration amount of Rs.8,50,000/- and consequently the informant gave Rs.6,50,000/- to them and rest was to be given at the time of registration. It is further alleged that Dilip Singh and petitioner no. 1 Shishu Pal Singh called the informant and her husband near the Shiv Temple Sahab Kothi but when they reached there Shishupal Singh (petitioner no. 1), Rajesh Kumar and Kartik Kumar (petitioner no. 2) caught hold of the husband of the informant and made assault to them. It is further alleged that Shishupal Singh (petitioner no. 1) caught hold of the informant and accused Rajesh Kumar snatched gold chain and Kartik Kumar (petitioner no. 2) took away purse of the informant containing Rs.5,000/-.

It is submitted by learned counsel for the petitioners that admittedly the sale deed was executed by Dilip Singh, Rohit Singh and Chandani Singh and subsequent agreement was also made by Dilip Sigh, Rohit Singh and Chandani Singh. It is further submitted that in the contractual



nature of dispute the accusation has been levelled. The accusation of snatching gold chain and taking away purse containing Rs.5,000/- is cosmetic in nature. A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

It is submitted by learned counsel for the informant and State that all the accused persons in connivance have cheated the informant and the processes under Sections 82 and 83 Cr.P.C. have been issued.

Considering the rival submissions of the parties, keeping in view the fact that the FIR was registered on 04.03.2017, the accusation has been levelled in the background of contractual nature of dispute, moreover, the accusation suggests that the remedy lies to the informant either under the Registration Act or by filing appropriate suit coupled with the fact that thrust of accusation against is against co-accused Dilip Singh, Rohit Singh and Chandani Singh and a statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent, 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 Chief Judicial Magistrate, Nawada in connection with Nawada (Nagar) P.S. Case No. 129 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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