

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31663 of 2018

Arising Out of P.S.Case No. -21 Year- 2018 Thana -PAUTHU District- AURANGABAD

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1. Virendra Mishra son of Late Awdhesh Mishra Resident of Village - Belharia Tola - Bas Bigha, P.S. - Pauthu, District - Aurangabad.
 2. Ajay Mistry son of Ram Kishun Mistry Resident of Village - Belharia Tola - Bas Bigha, P.S. - Pauthu, District - Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh

For the Opposite Party/s : Mr. Bisheshwar Ram

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL ORDER

2 07-06-2018 Heard learned counsel for the petitioners, learned counsel for the informant and the learned APP for the State.

The petitioners are in custody in connection with Pauthu P.S. Case No.21 of 2018 registered for an offence under Sections 406 and 420/34 of the IPC.

As per written report, the informant has alleged that he along with his brother Ranjit Sharma purchased land measuring 27 ½ decimals from the petitioners by virtue of registered sale deed dated 01.09.2014. Subsequently, their vendor sold the said plot to co-accused Birendra Chaudhary on 14.07.2017 and thereby cheated the informant and also committed breach of trust.

Learned counsel for the petitioners submits that the total area of plot in dispute is 54 decimals and he sold the remaining portion to different co-accused Birendra Choudhary and Mahendra



Choudhary. The dispute between the parties is purely a civil dispute and so no offence under Sections 406 and 420/34 of the IPC.

The learned APP as well as the informant opposed the submissions.

Considering the facts and circumstances of the case, prayer for bail is allowed. Let the above named petitioners 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 CJM, Aurangabad in connection with Pauthu P.S. Case No.21 of 2018.

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

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