

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.43667 of 2018**

Arising Out of PS. Case No.-145 Year-2017 Thana- WEST CHAMPARAN COMPLAINT  
District- West Champaran

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1. Ramanand Prasad @ Ramanand Sah, S/o Late Ganesh Prasad
  2. Deepak Kumar, Son of Ramanand Prasad alias Ramanand Sah  
Both resident of Mohalla - Gudari Bazar, Bankatwa, P.S. -  
Bagha, Distt - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Haridwar Yadav, S/o Gaya Yadav, R/Vill - Sapahi, P.S. - Semra, Distt - West  
Champaran.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Adv.  
For the Opposite Party/s : Mr. J. N. Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      23-07-2018              Heard learned Counsel for the petitioners and learned APP  
for the State.

The petitioners are apprehending arrest in a complaint case,  
wherein process has been directed to be issued after cognizance  
being taken for the offences punishable under Sections 323, 384,  
420 and 504 of the Indian Penal Code.

The prosecution case as per the complaint petition is that  
the petitioner no.2, Deepak Kumar, though was minor, but he  
entered into an agreement to sell 16 Katha of land in favour of  
the complainant on 22.06.2012. It is alleged that when the  
petitioner no.2 attained majority, he executed the sale deed on  
01.06.2015 in favour of the complainant, but in the sale deed the



executed area was reduced by seven katha.

It is submitted by learned counsel for the petitioners that petitioner no.1 is father of petitioner no.2. The said agreement to sell between the petitioner no.2 and the complainant has no legal sanctity, since the complainant admits that petitioner no.2 was minor at that time and the sale deed clearly stipulates the area of the land and the consideration amount taken. Earlier also the complainant lodged a complaint case being Complaint Case No. C-862/2015, which got dismissed for non-prosecution. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur, learned APP for the State that accusation is specific against the petitioners.

Considering the nature of accusation, arising out of civil nature of dispute, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any 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 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-II, Bagaha, West Champaran,



in connection with Complaint Case No.145 of 2017, subject to  
the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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