

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33750 of 2018

Arising Out of PS.Case No. -137 Year- 2018 Thana -MANER District- PATNA

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1. MOSMAT SHAMPATI DEVI @ SHYAMPATI DEVI, W/o Late Surajdeo Sao @ Sukhdeo Sao,
2. Mosmat Malti Devi W/o Suresh Prasad Gupta @ Suresh Sah,
3. Manish Kumar Gupta S/o Late Suresh Prasad Gupta @ Suresh Sah,
4. Manoj Kumar Gupta S/o Late Suresh Prasad Gupta @ Suresh Sah, All are R/o Vill.- Maner Paraw, P.S.- Maner, District- Patna.

.... Petitioners

Versus

1. The State of Bihar.
2. Prakash Kumar S/o Late Kadar Nath Singh, R/o Vill.- Maner, P.S.- Maner, District- Patna.
3. Satendra Tiwari S/o Late Ramdeo Tiwari, R/o Vill.- Maner Tiwari Tola, P.S.- Maner, District- Patna.
4. Munna Kumar Yadav S/o Bachcha Rai, R/o Balwant Tola, P.S.- Doriganj, District- Chapra, At present Maner Tola, P.S.- Maner, District- Patna.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar
For the Opposite Party/s : Mr. Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 23-07-2018 Heard learned counsel for the petitioners.

Petitioners apprehend their arrest in connection with Maner P.S.Case No. 137 of 2018 registered for the offences punishable under Sections 406, 420, 120B, 468, 469 and 504/34 of the Indian Penal Code.

Allegation against petitioner No.1, who is owner of the land, is that he has agreed to sell about 10 kathas of land to opposite party No.2 for a consideration amount of Rs.56 lakhs and



thereafter with respect to 4 kathas of land sale deed was executed and for remaining land he has not executed sale deed.

Submission of learned counsel for the petitioners is that admittedly land of Rs.32 lakhs has been registered in favour of opposite party No.2 and out of Rs.24 lakhs, Rs.20 lakhs has been given to opposite party No.2 through Munna Kumar, which learned counsel for the informant has admitted, and rest Rs.4 lakhs the petitioner is ready to pay back to opposite party No.2.

The matter had gone to the Mediation Centre and before it petitioner was ready to pay back Rs.4 lakhs to opposite party No.2 but he was not ready to receive the same.

Heard learned APP and learned counsel for the informant, who has opposed the prayer for anticipatory bail stating that land for Rs.4 lakhs be executed in favour of the informant or the amount of Rs.4 lakhs along with annual interest @ 6 per annum be given.

Having heard both sides and in the facts and circumstances, as stated above, this application is disposed of with a direction to the petitioners to surrender within a period of six weeks from the receipt of this order along with a Bank Draft of Rs.4 lakhs plus 6% annual interest thereon in favour of opposite party No.2, that will be handed over to opposite party No.2 by the



court below, and petitioners, named above, shall be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of Ms. Nutan Kumari, Judicial Magistrate, Danapur, in connection with Maner P.S.Case No. 137 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C. and further condition is that one of the bailors shall be a local person having sufficient immoveable properties within the jurisdiction of court concerned.

(Vinod Kumar Sinha, J)

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