

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1841 of 2018

Arising Out of PS. Case No.-428 Year-2017 Thana- PATRAKARNAGAR District- Patna

1. Yogendra Sukla @ Yogendra Shukla, son of Late Ishwari Singh,
2. Annupurna Kumari @ Annapurna Kumari, Wife of Yogendra Sukla,
3. Manoj Kumar Aliasa Manoj Kumar Shukla, Son of Late Janardan Singh, All resident of Bank Men's Colony, house No. B/31 Chitragupta Nagar, P.S. Patrakar Nagar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Adv.

For the Opposite Party/s : Mr. SRI MADHURANAND JHA

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-01-2018 Heard learned Counsels for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 354/406, 420, 467, 468, 471 and 504/34 of the Indian Penal Code.

The prosecution case as per written report of the informant, Sunita Devi is to the effect that the informant entered into an agreement with petitioner No.1 and 2 for purchase of 2 Katha of land appertaining to Thana No.24, Khata No.29 part of Plot No.321 and paid Rupees Forty Seven Lacs in advance on different dates, but when the informant asked the petitioner for executing sale deed with respect to the land in question, the



accused persons started abusing her. It is further alleged that the nephew of the petitioners came and started dragging the informant by pulling her sari.

It is submitted by learned Counsel for the petitioners that the agreement is not in dispute. Subsequently, the informant paid Rupees Five Lacs in advance and thereafter Rupees Eight Lacs out of the total consideration amount of Rupees Sixty Eight Lacs. As per the agreement, the informant had to make payment of the total consideration amount within a period of three months of the agreement dated i.e. 27.07.2016, but she failed to pay rest of the amount within the time frame. The petitioners were in need of money, then they entered into an agreement with another person, namely, Ashish Ranjan on 07.12.2016, but on the same day, the informant transferred Rupees Thirty Four Lac in the bank account of petitioner no.1 through the account of someone else. As soon as, petitioner no.1 came to know about transfer of the said amount in his bank account, he transferred the said amount in the account of the said person. So far as Rupees Thirteen Lacs, as taken in advance is concerned, the petitioners are ready to return the same.

Considering the present stand of the petitioners, let the above named petitioners be released on provisional anticipatory



bail for three months, 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 Sub-Judge-X-cum-ACJM, Patna in connection with Patrakar Nagar P.S. Case No.428 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioners shall be confirmed by the learned Court below on submission of a draft of Rupees Thirteen Lac in favour of the informant within a period of three months before the learned Court below. The learned Court below will release the said amount in favour of the informant, if he is ready to reconcile the issue and files an affidavit to that effect before the learned Court below, otherwise the said amount will be subject to result of the case.

(Dinesh Kumar Singh, J)

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