

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58347 of 2017

Arising Out of PS. Case No.-192 Year-2017 Thana- BUXAR District- Buxar

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1. Rajendra Pandey, Son of Late Sheo Prasad Pandey,
 2. Sunil Pandey @ Sunil Kumar Pandey, Son of Rajendra Pandey,
All resident of Village- Sohani Patti, Buxar, P.S.- Buxar (Town),
District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Mukesh Kumar Pathak S/o Harishankar Pathak R/o village Jaso, P.S.Buxar
(M) Dist-Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha
For the Opposite Party/s : Mr. Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 06-02-2018 Heard learned counsel for the petitioners and learned APP for
the State.

Petitioners apprehend their arrest in Buxar (Town)P.S. case no.
192 of 2017 instituted for the offence under Section(s) 420, 406, 341,
323, 504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that the
petitioners have civil remedy for their grievance.

It is alleged in the written report that one sale deed was
prepared in between the informant and the petitioners on
04.01.2013 on which the petitioner no.1 has signed as an executor of
the sale deed and petitioner no.2 has signed as a witness but the
aforesaid sale deed was not presented for registration and the
informant always made requests with the petitioners but they were



always evading.

It is further alleged that on 14.04.2017 when the informant went to the house of the petitioners and made request to execute the sale deed then they abused the informant and have stated that they have already sold the land to some other persons.

Learned counsel for the informant has appeared and opposed the prayer for bail.

Learned counsel for the petitioners submitted that except receiving the consideration amount of Rs. 15, 78,000/- on the sale deed which is alleged to have been prepared on 04/ 01/ 2013 which bear the signatures of the petitioner nos.1 and 2 as executor and witness of the sale deed, informant has no other proof of having given consideration money of Rs. 15,78,000/- to the petitioners.

In the written report, it is mentioned that the petitioners have told the informant on 14.04.2017 that he had already executed the sale deed to some other persons .

This Court finds that the payment of the money as claimed by the informant to the petitioners on the basis of the sale deed dated 04.01.2013 is probably a question of fact which can only be appropriately adjudicated in the trial. The case has been filed after delay of four years from the date of alleged prepared sale deed.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks



from today in connection with Buxar (T) P.S. case no. 192 of 2017, they shall be released on anticipatory bail 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 C.J.M., Buxar, subject to the conditions as laid down under Section 438(2) Cr. P.C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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