

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67805 of 2018

Arising Out of PS. Case No.-281 Year-2018 Thana- NAUBATPUR District- Patna

-
1. Bimla Kumari, W/o- Arun Kumar,
 2. Arun Kumar, S/o Late Tribhuvan Singh Both R/o-Chechaul, P.S.- Naubatpur, Distirct-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : Mr. Sri Murlidhar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-12-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 406,420 and 120B of the IPC.

The prosecution case is that the petitioners entered into an agreement for sale of land in favour of the informant for consideration of Rs.14,50,000/-, out of which Rs.13,00,000/- were paid partly through banking transaction and partly in cash but subsequently, the informant came to know that the land in question has already been hypothecated with the Bank of India and hence the informant sought to get back the money which he had advanced to the petitioners, but since the same has not been returned, hence the present case has been registered.



It is submitted by learned counsel for the petitioners that the petitioners admit the execution of agreement but the amount paid to them was Rupees Ten Lacs and not Thirteen Lacs but in view of the fact that a submission was made on behalf of the petitioners before the learned court below that they are ready to return the amount of Rupees Thirteen Lacs in installments, he is not in a position to retract from that undertaking.

Learned counsel for the informant accepts the offer of the petitioners and submits that similar was the offer of the petitioners before the learned court below but the same was not complied.

Keeping in view the aforesaid offer, learned counsel for the petitioners submits that the said amount of Rs. Thirteen Lacs will be paid in six monthly equal installments, out of which, first installment will be deposited in the bank account of the informant in the month of December, 2018 before executing the bail bonds on such terms. Both sides further agree to file appropriate application before the learned court below to the extent that they have resolved the issue and they do not want to pursue the case.

Considering the present stand of the parties, let the petitioners above named be released on provisional anticipatory bail for six months in the event of arrest or surrender within six



weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM II, Danapur in connection with Naubatpur P.S. Case No.281 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

The learned court below will confirm the provisional anticipatory bail of the petitioners if the rest of the installments are paid to the informant through banking transaction.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

