

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42192 of 2018

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1. Naresh Prasad Singh, S/o Late Doman Prasad Singh, R/o Vill.- Bishanpur Jicho, P.S.- Lodipur, District- Bhagalpur, presently residing at Bhuramal Bagicha Near Kali Asthan, Gandhinagar Kumhar Toli Road Ishakchak, P.S.- Ishakchak, District- Bhagalpur.
 2. Rita Devi, W/o Naresh Prasad Singh, R/o Vill.- Gandhinagar, P.S.- Ishakchak, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Sakir Ahmad, APP

For the Informant : Dr. Manoj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 01-08-2018

Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners apprehend their arrest in **Lodipur P.S.**

Case No.18 of 2018 instituted for the offence under Section(s)
420, 406, 506/34 Indian Penal Code.

Counsel for the petitioners submits that petitioner No.2 has already executed sale deed with respect to 188 sft. Land in favour of the Informant. Counsel for the petitioner submits that mutation has also been done in the name of the informant on the basis of aforesaid sale deed. Total consideration money was rupees twenty lac and the informant has paid only Rs.9,45,000/- and remaining amount is payable by the informant.

Counsel for informant submits that he has already paid remaining amount by cash. Counsel for the informant further submits that petitioner has already sold the aforesaid land



to somebody else and, therefore, he has cheated the informant.

In such circumstances, this Court finds that it is a matter of civil dispute between the parties.

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 **Lodipur P.S. Case No.18 of 2018**, 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 **Additional Chief Judicial Magistrate-IV, Bhagalpur**, 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 their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bonds 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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