

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55677 of 2018

Arising Out of PS. Case No.-1780 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Anita Devi @ Smt. Anita Devi, Wife of Shri Upendra Kumar Sinha Resident of Mohalla -Naya Tola, Khagaul Road, Near Phulwari High School, Main Road, In Front of Pani Tanki, Post Office & Police Station Phulwari Sharif, District - Patna.
 2. Upendra Kumar Sinha S/O Late Ram Krishna Singh, Resident of Mohalla - Naya Tola, Khagaul Road, Near Phulwari High School, Main Road, In Front of Pani Tanki, Post Office & Police Station Phulwari Sharif, District - Patna.

... .. Petitioners.

Versus

1. The State of Bihar.
2. Tanweer Alam Son of Late Khaliluddin Resident of Village - Nohsa P.S. and P.O. Phulwarisharif, District Patna.

... .. Opposite Parties.

Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar
For the Opposite Party/s : Mr. Akbar Ali

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 19-12-2018 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Complaint Case No.1780(C)/16 registered under Section 406 of the Indian Penal Code.

Petitioners are said to have entered into an agreement with the complainant to execute four katha of land either in favour of the complainant or his nominee taking Rs.23,66,000/- from the complainant. As per the aforesaid agreement, the petitioners executed three sale deeds in the names of different



nominees of the complainant which bear the signature of the complainant in witness of the execution of the aforesaid sale deed but without the consent of the complainant and to take undue advantage the petitioners executed fourth sale deed worth Rs.12,10,500/- to some other person who does not happen to be nominee of the complainant and petitioners have neither taken the consent of the complainant nor the sale deed bear the signature of the complainant. Thus, the petitioners have usurped Rs.8,85,000/- by executing aforesaid fourth sale deed.

Learned counsel for the petitioners submitted that no such occurrence as alleged ever took place. The petitioners are quite innocent and have been falsely implicated in this case. Petitioners have sold out the land in question as per the instructions of the complainant to their nominee and they have sold out 1½ katha of land in Rs.12,10,500/- by the fourth sale deed in favour of the nominee of the complainant as per instruction and now the complainant has filed this false and frivolous case against the petitioners with an ulterior motive to take undue advantage from the petitioners after two years of the occurrence.

From perusal of the record, it appears that three



sale deeds executed by the petitioners in favour of different persons on different dates bear the signature of the complainant as a witness, while fourth sale deed executed by the petitioners does not bear the signature of the complainant which creates serious doubt about the submission of the petitioners and said submission is not tenable.

Learned counsel for the complaint and learned APP for the State opposed the bail petition.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioners on anticipatory bail. The prayer for bail is hereby rejected. However, the petitioners are directed to surrender before the learned lower court and seek regular bail which shall be decided by the learned lower court in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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