

IN THE HIGH COURT OF JUDICATURE AT PATNA**Criminal Miscellaneous No.6096 of 2018**

Arising Out of PS.Case No. -398 Year- 2017 Thana -AURANGABAD TOWN District-
AURANGABAD

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1. Sunita Devi, W/o Santosh Paswan
2. Santosh Paswan, S/o Late Lalan Paswan
Both are residents of Mohalla- Tekari Road, P.S.- Town, District-
Aurangabad.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

Appearance:

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Rakesh Singh, Advocate
For the State : Mr. Binod Kumar no.3, APP
For the Informant : Mr. Sanjay Kumar, Advocate
Mr. Parmendra Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 13-02-2018 Heard learned counsel for the petitioners, learned
counsel for the State and learned counsel for the informant.

In this case, the petitioners are seeking anticipatory
bail in connection with Aurangabad Town P.S. Case No.398 of
2017, registered for the offence punishable under Sections 420,
406, 471 and 120(B) of the Indian Penal Code.

The case of the informant is that the present
petitioners have misrepresented that the land, in question, was
purchased by them, they are the real owners of the property and
sold the land in consideration amount of Rs.29,000,00/- and also
have taken Rs.6,000,00/- by way of cost of registration but later
on, it appears that it was a misrepresentation and fraud committed



by the petitioners as the land, in reality, belongs to one Gopal Prasad.

A counter affidavit has been filed by the informant, wherein it has been stated that the original land holder of plot no.180, Khesra no.172/2863, total area of 15 decimals, was recorded in the name of one Pir Ali Mian. Pir Ali Mian, has two sons, namely, Ishak Mian and Illahi Mian, both sold their possession of land to one Sheikh Irani by registered sale deed on 06.12.1966 and later on, Sheikh Irani, sold the land to Sheikh Madyu, and in turn, Sheikh Madyu had sold the land on 07.03.1971 in favour of Abdul Rahim Khan and Abdul Rahim Khan had sold the land through sale deed to Gopal Prasad on 23.01.1973.

It has further been submitted by learned counsel for the informant that the petitioners were well aware that the land belongs to Gopal Prasad even though they have sold the land to the present informant.

Whereas, the petitioners have given their explanation that they have purchased the land from the grand-son of Pir Ali Mian in a valuable consideration and after that they have filed application for mutation, which was recorded and their name were recorded as title holders of the land, the said land was sold by the petitioners to the present informant and accordingly,



the name of the present informant has also been recorded in their name after mutation and submits that they have not misrepresented or committed any fraud. It has further been submitted that the present informant has purchased the said same land in a meager amount of Rs.9,000,00/- from Gopal Prasad whereas, he has purchased the said land from the present petitioners in consideration amount of Rs.29,000,00/-, so itself depicts that the petitioners have sold the land without any misrepresentation.

Looking to the facts and circumstances of the case, it appears that it is basically a civil dispute between the parties.

Looking to the aforesaid fact, let the above-named petitioners, be released on anticipatory bail in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Aurangabad, in connection with Aurangabad Town P.S. Case No.398 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Shivaji Pandey, J)

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