

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59706 of 2018

Arising Out of Complaint Case No.-481 Year-2016 Thana- PURNEA COMPLAINT CASE
District- Purnia

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1. Vijay Sharma, S/o Late Diwakar Sharma,
 2. Surendra Sahani @ Suren Sahni, S/o Biju Sahani,
 3. Birendra Pandit, S/o Late Hari Pd Pandit,
All R/o Vill.- Sri Ram Tola Belauri, P.S.- Sadar, District-
Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nand Kishore Thakur, S/o Ram Deo Thakur, R/o Vill.- Prabhat Colony, P.S.-
K. Hat , District- Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.
For the Opposite Party/s : Sri Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-09-2018 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a complaint case,
wherein, process has been directed to be issued after cognizance
being taken the offences punishable under Sections 406 and 420
of the Indian Penal Code.

The prosecution case got initiated on the complaint of
Nand Kishore Thakur to the effect that the complainant entered
into an agreement with Reshmi Devi, Most. Putul Devi and
Phoolmati Devi for purchase of a land, appertaining to Khata
NO.295, Plot No.61, situated in Mauza-Abdullanagar, District-



Purnea and paid Rs.1,01,000/- as advance and thereafter further amount was paid. But, subsequently, the above-mentioned three accused transferred the land in favour of other persons.

It is submitted by learned counsel for the petitioner that the thrust of accusation is not against the petitioners since they have not executed the sale deed, rather, the petitioners are only witnesses to the sale deed. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioners are also named in the complaint petitioner and the learned Magistrate after cognizance being taken, directed for issuance of process against them.

Considering the thrust of accusation against co-accused, Reshmi Devi, Most. Putul Devi and Phoolmati Devi, who executed the sale deed, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, 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 CJM, Purnea, in connection with
Complaint Case No.481 of 2016, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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