

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1710 of 2018

Arising Out of PS. Case No.-67 Year-2017 Thana- PAUTHU District- Aurangabad

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1. Suresh Sharma, S/o Late Dudheshwar Sharma,
 2. Dharmendra Sharma,
 3. Ravindra Sharma,
 4. Chhotu Sharma,
 5. Manish Sharma
- All are Son of Sri Suresh Sharma, R/o Village- Dhanahi, P.S.- Pauthu, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-01-2018 Heard learned Counsels for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 406, 420, 468, 471, 504 and 506/34 of the Indian Penal Code.

The prosecution case is that the petitioner no.1, Suresh Sharma agreed to sell a piece of land appertaining to Khata No. 34, Plot Nos. 9 and 11, admeasuring an area of 47 decimals for Rs.7,15,000/- to the informant Ramjanam Yadav. The informant claimed to have paid Rs.4,80,000/- in different installments to petitioner no.1, but thereafter, the informant came to know that the land in question does not belong to petitioner no.1, Suresh



Sharma, rather it is recorded in the name of his maternal aunt Adhikari Kuer, who purchased the land from one Buidhia Dusadhin in the year 1954, but the land was not mutated in the name of Adhikari Kuer. After knowing this fact, the informant refused to purchase the land and asked petitioner no.1 to return the money taken as advance, but the money was not returned to him.

It is submitted by learned counsel for the petitioners that only specific accusation is against petitioner no.1, but since petitioner nos. 2 to 5 are sons of petitioner no.1, hence, they have been roped in as an accused in the present case. Moreover, the amount which was taken as advance has already been returned, a petition to that effect has been filed before the learned Court below, as contained in Annexure-2. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Considering the nature of accusation and retracted version of the informant, 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 ACJM, Aurangabad, in connection with Pauthu P.S.
Case No. 67 of 2017, subject to the conditions as laid down
under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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