

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.72439 of 2018

Arising Out of PS. Case No.-1303 Year-2018 Thana- PURNIA

COMPLAINT CASE District- Purnia

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1. Raushan Jahan, wife of Saidul Mukhtar @ Saiyedul Mukhtar
2. Saidul Mukhtar @ Saiyedul Mukhtar, so of Md. Khalil, both resident of village-Sontha, P.S.-Kochadhaman, District-Kishanganj, at present Village-Rangpura, P.S.-Mirganj, District-Purnea

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Jafar Alam, son of Late Sheikh Mutalib, resident of Village-Rangpura, P.S.-Mirganj, District-Purnea

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh

For the Opposite Party/s : Mr.Sri Kanhaiya Kishore

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 20-12-2018 Heard the learned counsel for the petitioners, the complainant and the State.

The petitioners seek bail in anticipation of their arrest in connection with Complaint Case No. 1303 of 2018 in which cognizance has been taken under Sections 406, 420, 468, 504/34 of the Indian Penal Code.

The complainant/O.P. No. 2 has alleged that at the instance of the petitioners, he had taken a particular piece of land belonging to the petitioners on lease for five years. The



lease was further renewed. Later, on the asking of the petitioners, the complainant/O.P. No. 2 became ready to purchase the land for a consideration amount of rupees two lakhs and it was agreed upon that with the completion of payment of rupees two lakhs, the land would be registered in favour of the complainant/O.P. No. 2. Despite the entire amount having been paid by the complainant/O.P. No. 2, initially the petitioners dilly dallied in executing the sale deed in favour of the complainant/O.P. No. 2 and later also made attempts to dispossess the complainant/O.P. No. 2 from the house which he has constructed over the land for which he has paid money to the petitioners.

Mr. Vikram Deo Singh, learned counsel for the petitioners has submitted that the allegation on the face of it does not inspire confidence for the reason that the entire money is stated to have been paid in the year 2015 whereas the complaint has been filed in the year 2018. He further submits that the consideration amount which is stated to have been agreed upon for 39 decimals of land is abysmally low making the assertion of the complainant/O.P. No. 2



incorrect as the land has much higher valuation and such undervalued agreement as claimed by the complainant/O.P. No. 2 only indicates that the true facts have not been brought in the complaint petition.

In any view of the matter, after some arguments, Mr. Vikram Deo Singh, on instructions from his client has submitted that the petitioners shall not make any attempt to dispossess the complainant/O.P. No. 2 from the house which he has constructed over the said land and for the resolution of the dispute between them, either of the parties would approach the Civil Court for the needful.

Considering the aforesaid assurance and taking a holistic view of the matter, this Court is inclined to grant anticipatory bail to the petitioners.

The petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/-(ten thousands) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea



in connection with Complaint Case No. 1303 of 2018,
subject to the conditions laid down under Section 438(2) of
the Cr.P.C.

It is however made clear that if any attempt is
made by the petitioners to dispossess the complainant/O.P.
No. 2 from the home in question, it would be open for the
complainant/O.P. No. 2 to approach this Court for
cancellation of bail of the petitioners.

(Ashutosh Kumar, J)

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