

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30989 of 2018

Arising Out of PS.Case No. -29 Year- 2017 Thana -BARACHATTI District- GAYA

=====

1. Smt. Sawita Devi, W/o Shiva Prasad,
2. Rakesh Kumar S/o Ramsaran Prasad,
3. Lalita Kumari W/o Sanjay Kumar , All R/o Vill.- Ltre, P.S.- Mohanpur,
District- Gaya.
4. Rajendra Prasad S/o Sadhu Mahto, R/o Vill.- Baradih, P.S.- Barachatti,
District- Gaya.

.... Petitioners/s

Versus

1. The State of Bihar.
2. Shri Krishna Prasad S/o Ratan Mahto, R/o Vill.- Baradih, P.S.-
Barachatty, District- Gaya.

.... Opposite Party/s

=====

Appearance :

For the Petitioners/s : Mr. Shivendra Prasad, Adv.
For the Opposite Party/s : Mr. Anil Kumar, APP
For the Informant : Mr. Binod Kumar Singh, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 20-08-2018 The petitioners are apprehending their arrest in connection with Barachatti P.S. Case No. 29 of 2017, registered for offences punishable under Sections 420, 467, 468, 406, 323, 385, 504 and 120 (B) of the Indian Penal Code.

Allegation as per F.I.R is that petitioner no. 1 and her husband proposed to sell the land of Khata No. 489 to the informant but they sold the land of Khata No. 484, which has already been purchased by the informant from petitioner no. 1, and so far other petitioners are concerned, it is alleged that they are identifier of the sale deed.

Submission of learned counsel for the petitioners is that



out and out false and fabricated allegations have been levelled against the petitioners and this is purely a case of civil dispute. Moreover, the petitioners have not sold the land to the informant rather it is the husband of petitioner no. 1, who sold the land to the informant and petitioner nos. 2 to 4 has nothing to do with the allegation as they are only the identifiers of the sale deed.

Heard learned A.P.P. also as well as learned counsel for the informant. Learned counsel for the informant has submitted that he has been cheated by the petitioners and they have sold the same land to the informant twice and cheated him with Rs. 2,57,000/-

Having heard both sides, considering the facts and circumstances of the case, let the petitioners above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati, (Gaya) in connection with Barachatti P.S. Case No. 29 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C, it is further subject to the condition that:-

- (i) One of the bailors of the petitioners shall be



a local person having sufficient immovable property within the jurisdiction of the concerned Court.

- (ii) The petitioners shall cooperate in the investigation and make themselves available as and when required by the police and on the event of failure on their part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail bonds.

(Vinod Kumar Sinha, J)

sunil/-

U		T	
---	--	---	--

