

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47619 of 2018

Arising Out of PS. Case No.-566 Year-2014 Thana- BIHTA District- Patna

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1. Arun Prakash Singh @ Bablu Singh @ Bablee Singh, Son of Late Baban Singh
 2. Punam Devi, Wife of Arun Pratap Singh @ Bablu Singh @ Arun Prakash Singh @ Bablee Singh
Both are residents of Village - Sahangi, P.S. Agiyan, District - Bhojpur (Ara).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Premjit Kumar, S/o Kameshwar Singh, R/o Sikandarpur, P.S.- Bihta, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mithilesh Kumar Rai, Advocate
For the Opposite Party/s	:	Mr. Dilip Kumar, APP
For the informant	:	Mr. N. K. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 11-12-2018 Heard learned counsel for the petitioners and the State as well as informant.

The petitioners apprehend their arrest in connection with Bihta P.S. Case No. 566 of 2014 for the offence under Sections 406, 420, 120(B), 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that the instant case is originated from written complaint. He further submits that the complaint discloses that there was some understanding between the parties with regard to transfer of land for which amount was deposited in the account of the petitioners



and the petitioners after receiving Rs.11,00,000/- (Eleven lacs) have avoided to complete the formality in relation to transfer of land. Learned counsel submits that the entire dispute is of civil nature, for which remedy is under the Specific Performance of Contract is available.

Learned counsel appearing on behalf of the State has not been able to dispute the fact that the appropriate remedy is available to the petitioners by way of Specific Performance of Contract.

Learned counsel appearing on behalf of the informant vehemently opposes the prayer for grant of anticipatory bail of the petitioners. He submits that the petitioners have taken Rs. 11,00,000/- in connection with transfer of land, but they have not transferred the land.

Considering the totality of the facts situation and also the fact that the petitioners have got no criminal antecedent, the petitioners named above, in the event of arrest or surrender before the court below within one month from today, are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Danapur in connection with Bitha P.S. Case No. 566



of 2014 subject to the conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

(Anil Kumar Upadhyay, J)

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