

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31778 of 2018

Arising Out of PS.Case No. -477 Year- 2015 Thana -GAYA KOTWALI District- GAYA

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1. Manoj Kumar Sinha, S/o Late Anirudh Prasad Sinha,
2. Sushma Sinha, W/o Manoj Kumar Sinha, All R/o Mohalla- New Area
Beshar Talab, Q. No.1, Power House P.S.- Civil Line, Dist- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Narayan, Sr. Advocate
Mr. Sunil Kumar Yadav

For the Opposite Party/s : Mr. Sri Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 22-05-2018 Heard learned Counsel for the petitioners and the learned
Counsel for the State.

Petitioners apprehends arrest in Kotwali PS Case No. 477
of 2015, registered under Sections 406 and 420 of the IPC.

The allegation in brief is that a house of auctioned by
Bihar State Finance Corporation and the bid went in favour of
petitioner No. 2 on paying amount of twenty-eight lakh and it is
alleged that the informant gave fifteen lakh fifty thousand rupees to
the petitioners for purchasing the house on understanding that there
shall be 50% share in between the informant and petitioner No. 2 out
of the profit after resale of the house however the house was sold in
one crore rupees but the share of the informant was not given.

Learned Counsel for the petitioner contends that the
petitioners were directed to deposit demand draft and the bank did not
issue demand draft above ten lakh rupees in one day so the petitioners
took help of his two-three friends including the informant and
demand draft of nine lakh rupees was made by the informant in
favour of Bihar State Finance Corporation on behalf of the petitioners



but later on nine lakh rupees was deposited by the petitioners in informant's account moreover there was no agreement of purchasing the auctioned house in partnership, the house was purchased by petitioner No. 2 who is the registered owner and after investigation the police submitted final form.

Whereas learned Counsel for the State submits that despite oral agreement share of the informant was not given by the petitioners.

Having considered the said facts and circumstances as the nature of dispute predominantly appears to be of civil nature, so the petitioners namely Manoj Kumar Sinha and Sushma Sinha are directed to be released on anticipatory bail in the event of their arrest or surrender within a period of four weeks from today on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Ms. Swati Singh, Judicial Magistrate, 1st Class Gaya in connection with Kotwali PS Case No. 477 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Arun Kumar, J)

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