

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14305 of 2019

Arising Out of PS. Case No.-334 Year-2017 Thana- MADHUBAN District- East Champaran

1. Shubham Kumar Pandey, Son of Shailendra Kumar Pandey, R/o village- Bishunpur Tara, Pandey Tola, P.S- Madhuban, District- East Champaran
2. Manju Pandey, Wife of Shailendra Kumar Pandey, R/o village- Bishunpur Tara, Pandey Tola, P.S- Madhuban, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-03-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 406, 420 and 506/34 of the IPC.

The prosecution case, as per the written report of Ajay Shekhar, dated 26.12.2017, submitted to the Station House Officer, Madhuban Police Station, is to the effect that co-accused, Ram Bilas Chaudhary came to the house of the informant and conveyed him that there is a piece of land, which is recorded in the Revenue Record in the name of grand-father of the wife of co-accused Shubham Kumar Pandey and he wants



to sell the same, whereupon the informant went and saw the land in question and met with petitioner no.1, Shubham Kumar Pandey, the son of Shailendra Kumar Pandey, who conveyed him that the land in question is recorded in the name of the grand-father of his mother. When the deal was finalized, the petitioners were present there. Petitioner no.1 is the son of Shailendra Kumar Pandey and petitioner no.2 is the wife of Shailendra Kumar Pandey. The total consideration amount was fixed to the tune of Rs. 13 lacs. Subsequently, the informant gave a cheque of Rs. 5 lacs to co-accused Shailendra Kumar Pandey which was encashed in his account and thereafter the informant paid cash of Rs. 8 lacs. Subsequently, the land in question was transferred in favour of the wife of the informant through a registered sale deed executed by co-accused Vijeta Priyadarshini, wife of petitioner no.1, Shubham Kumar Pandey. It is further alleged co-accused, Shailendra Kumar Pandey and Ram Bilash Chaudhary were the witnesses to the sale deed. It is further alleged that when the informant went to get the land in question mutated then he came to know that Naresh Pandey has already transferred the land in question in favour of his daughter, Gangotri Pandey on 27.11.1995.

It is submitted by learned counsel for the petitioners that



the petitioners are neither the executant of the sale deed nor they are witnesses to the sale deed and the cheque amount was encashed in the account of co-accused, Shailendra Kumar Pandey.

Learned APP submits that the petitioners are named in the FIR with specific accusation.

Considering the fact that for the alleged occurrence of 01.08.2017, the FIR has been lodged on 26.12.2017, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M.-4th, East Champaran, Motihari in connection with Madhuban P.S. Case No. 334 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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