

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77268 of 2018

Arising Out of PS. Case No.-71 Year-2015 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. MUNNI DEVI @ SRI MATI MUNI DEVI @ MONNI DEVI and ANR
Wife of Uma Shankar Roy @ Uma Shankar Mahto,
 2. Uma Shankar Roy @ Umashankar Mahto, Son of Bino Mahato, Both
Resident of Village- Nagadah, P.S.- Begusarai Muffasil Singhaul, District-
Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Birju Ray @ Birju Kumar Mahto

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 12-04-2019 Heard the parties.

The petitioners seek anticipatory bail in connection with complaint case No. 71C of 2015, registered for offences punishable under Sections 420, 406, 323 and 506/34 of the Indian Penal Code..

As per F.I.R., allegation against the petitioners is that the petitioners along with other accused persons approached the complainant to purchase their land and house, which was purchased through Kewala dated 21.06.2002 and consideration money was fixed at Rs. six lacs but the complainant had only Rs. three lacs, she assured to pay the same and assured to pay



rest three lacs later on and on 02.02.2014, Rs. three lacs was paid and Mahadanama was executed that if petitioners will be paid rest amount till 30.04.2014, Mahadanama would be executed. Further case is that complainant was ready to pay rest Rs. three lacs by 30.04.2014 and asked the petitioners to execute sale deed but the sale deed was not executed. Further allegation is that on 08.01.2016, complainant with others approached the petitioners to execute sale deed rather return the money but they threatened that neither he will not return the money nor ready to execute the sale deed.

Submission of the learned counsel for the petitioners is that as a matter of fact, earlier also a Mahadanama was made in the year, 2013 but the same was not fulfilled and thereafter on 07.02. 014 another Mahadanama was executed by the petitioner No. 1 but the payment has not been made at the time and after six months, the complainant lodged a case, moreover, the case is civil in nature and complainant may move before the Court concerned for specific performance of contract.

Heard learned A.P.P., who opposes the prayer for bail on the ground that in spite of issuance notice to the complainant/ opposite party No. 2, and valid service, neither



the Opposite Party No. 2 has appeared nor learned counsel on behalf of the Opposite Party No.2 appeared.

Having heard both sides and in view of the facts and circumstances, as discussed above, let the petitioners, above named, in the event of their arrest or surrender, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) each with two sureties of the like amount each in connection with Complaint Case No. 71C of 2015, to the satisfaction of learned A.C.J.M.-V-cum- Sub Judge- III, Begusarai,, subject to the conditions as laid down under Section 438 (2) of Cr.P.C. with condition that one of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.

(Vinod Kumar Sinha, J)

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