

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26160 of 2019

Arising Out of PS. Case No.-971 Year-2017 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. Kundan Kumar Son of Ram Prasad Mandal Resident of Village - Biharipur, P.S.- Madhusudanpur, District – Bhagalpur.
 2. Pritam Kumar Son of Sardari Mandal Resident of Village - Biharipur, P.S.- Madhusudanpur, District – Bhagalpur.

... .. Petitioners.

Versus

1. The State of Bihar.
2. Jichchu Mandal Son of Late Hingan Mandal Resident of Village - Biharipur, P.S.- Madhusudanpur, District – Bhagalpur.

... .. Opposite Parties.

Appearance :

For the Petitioners	: Mr. Dhananjay Kumar Pandey, Advocate.
For the State	: Mr. Chandra Sen Prasad Singh, A.P.P.
For the Complainant/O.P. No.2	: Mr. Shivesh Chandra Mishra, Advocate. Mr. Shashi Shekhar Prasad Sinha, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 23-04-2019 Let the vakalatnama filed on behalf of the complainant/opposite party no.2 be kept on the record.

Heard.

The petitioners apprehend their arrest in connection with Complaint Case No.971 of 2017 registered under Sections 420/34 of the Indian Penal Code.

The accusation is that the petitioner no.1 Kundan Kumar on the pretext of providing the job to Chandan Kumar, the son of the complainant/opposite party no.2, got executed sale deed of 0.10½ land of plot no.56 of khata no.105 without



payment of consideration amount and also got the signature on the documents as a witness of the complainant/opposite party no.2 of which the petitioner no.2 is identifier. On 17.04.2017, when the complainant/opposite party no.2 came to know about execution of the aforesaid sale deed, then he asked the petitioners to return the land, then he was abused. The petitioner no.1 Kundan Kumar took Rs.2,58,000/- in cash and through other modes from the son of the complainant/opposite party no.2 on the pretext of providing job to him.

Learned counsel appearing on behalf of the petitioners submits that, in fact, the petitioner no.1 Kundan Kumar got executed the sale deed in respect of the land, as detailed in the complaint petition but, later on, with dishonest intention, the complainant/opposite party no.2 filed Title Suit No.273 of 2017 for cancellation of the sale deed, which is pending in the court of the Sub Judge-V, Bhagalpur, where the petitioner no.1 appeared and also filed his written statement. Only to put undue pressure upon the petitioners, the complainant/opposite party no.2 has filed the present case.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be



enlarged on bail on their furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the Additional Chief Judicial
Magistrate-XI, Bhagalpur, in connection with Complaint Case
No.971 of 2017, subject to the conditions laid down under
Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

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