

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24182 of 2019

Arising Out of PS. Case No.-42 Year-2015 Thana- RAJIVNAGAR District- Patna

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Ranjan Yadav @ Rajan Yadav S/o- Late Ram Das Rai, R/v- Bansh Koti,
Digha, P.S.- Digha, District- Patna, at present resident of Village- Rajeev
Nagar, Road No.-24, P.S.- Rajeev Nagar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Ahmad Ali

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 15-04-2019 Heard both sides.

The petitioner apprehends his arrest in Rajeev Nagar
P.S. Case No.42 of 2015 registered under Sections 419, 420,
406, 384 and 34 of the Indian Penal Code.

The informant alleged that he negotiated with Shanti
Devi for purchasing 4 katha land of Plot No.2798 Khata No.550
Tauzi No.5130 situated in Rajeev Nagar. Shanti Devi assured
him to execute the sale deed after the land being freed by a
housing board. The informant further alleged that he paid
Rs.21,05,821/- to Shanti Devi, her son and her daughter-in-law
but Shanti Devi refused to execute the sale deed.

Learned counsel for the petitioner submits that the
petitioner is one of the sons of Shanti Devi. The petitioner is a



witness of deed of agreement for sale. The dispute is of civil nature. The petitioner did not receive any consideration money. If the informant is aggrieved by non-execution of the sale deed by the mother of petitioner, the proper remedy is available in the Civil Court for specific performance of contract. There is no allegation against the petitioner. Similarly situated co-accused Meena Devi, Ranjan Rai have already been granted anticipatory bail.

Having considered the facts aforesaid and the fact that the petitioner is one of the sons of Shanti Devi but he signed the deed of agreement for sale as a witness, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Patna in connection with Rajeev Nagar P.S. Case No.42 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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