

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27801 of 2019

Arising Out of PS. Case No.-403 Year-2018 Thana- PARSABAZAR District- Patna

1. Vivek Kumar Son of Sri Krishna Bhagwan Singh
 2. Vikash Kumar Son of Sri Krishna Bhagwan Singh
- Both are residents of Village-Chiniyan Bela, Post and P.S.-Punpun, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 08-08-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

The petitioners apprehend their arrest in connection with Parsa Bazar P.S. Case No. 403 of 2018, registered under Sections 406, 420, 467, 468, 469, 471, 341, 323 and 504 of the Indian Penal Code.

The allegation against the petitioners, as per FIR, is that the petitioners and their father had sold piece of land to the informant belonging to the father of the petitioners and the informant paid a sum of Rs. 21,57,000/- to the father of the petitioners and the sale deed bearing token no. 77 of 2014 dated 06.02.2014 was registered by the father of the petitioners in



favour of the informant. It has further been alleged that son-in-law, who is Army personnel has also paid them Rs. 10,79,000/- and got registered a sale deed for 1 Katha 10 Dhur from the father of the petitioners. Further allegation is that the father of the petitioners lost a case pertaining to this land from Krishan Bhagwan Singh and despite that he has sold land in question in favour of the informant and accordingly cheated the informant.

Learned counsel for the petitioners submits that the petitioners are innocent inasmuch as from perusal of the sale deed which is annexed as Annexure-2, it would be evident that 21,57,000/- was paid to the father of the petitioners and sale deed was executed by the father of the petitioners and petitioners had nothing to do in that transaction. He further submits that the petitioners have unnecessarily been dragged in the present case. Learned counsel for the petitioners by filing supplementary affidavit submitted that similar nature of case was filed by one Vinay Kumar against the father of the petitioners in which the petitioners have not been made accused.

After having heard learned counsel for the parties and taking into consideration the fact that the sale deed was executed by the father of the petitioners after taking money from the informant and the petitioners had no role to play in that



transaction, I am inclined to grant anticipatory bail to the petitioners.

This application is, accordingly, allowed.

Let the petitioners, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Patna in connection with Parsa Bazar P.S. Case No. 403 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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