

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.328 of 2019

Arising Out of Complaint Case No.-58 Year-2017 District- Purnia

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1. Gajju Das, son of Late Kamal Das.
 2. Bhagwan Das, son of Gajju Das
 3. Shrawan Das @ Shrawan Kumar, son of Gajju Das All resident of Chhath Pokhar, P.S. Tatma Toli, P.S. K. Hat, Sahayak, Distt.- Purnea.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Kamla Dei, wife of Sri Prem Narain Singh Resident of Village- Garhiya Bishnupur, P.S.K. Nagar, Distt.- Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 27-03-2019 Heard the learned counsel for the petitioners, the complainant / Opposite Party No. 2 and the State.

The petitioners seek bail in anticipation of their arrest in connection with a complaint case, namely, C.A. Case No. 58 of 2017 in which cognizance has been taken under Sections 420, 467, 468 and 34 of the Indian Penal Code.

The petitioners are said to have accepted Rs. 2 lakhs and odd for the purposes of purchasing a piece of land but neither the sale-deed has been executed nor the money



has been returned. The petitioner no. 1 is stated to be the land owner whereas petitioner nos. 2 and 3 are the witnesses to the agreement for sale and are the sons of petitioner no. 1.

Mr. Yogesh Chandra Verma, learned Senior Advocate appearing for the petitioners has submitted that there is no evidence on record or proof of the fact of payment of Rs. 2 lakhs and odd by the complainant / Opposite Party No. 2.

Per contra, the learned counsel for the complainant / Opposite Party No. 2 has submitted that the sale-deed was prepared but was only left to be executed when the petitioners denied their responsibility of conveying the plot for which they had accepted money.

In the absence of any proof of transaction of money between the parties, this Court is inclined to grant anticipatory bail to the petitioners.

For the reasons aforesaid, the petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a



period of four weeks from the date of receipt / production of
a copy of this order, on their furnishing bail bonds in the
sum of Rs. 10,000 /- (Ten Thousand) each with two sureties
of the like amount each to the satisfaction of the learned
Chief Judicial Magistrate, Purnea in connection with C.A.
Case No. 58 of 2017, subject to the conditions as laid down
under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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