

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39695 of 2019**

Arising Out of PS. Case No.-932 Year-2012 Thana- PATNA COMPLAINT
CASE District- Patna

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1. INDRA SINHA aged about 76 years, female, Wife of Late Braj Nandan Singh Resident of Village/Mohalla Janakdhari Lal Road, Danapur, Police Station Danapur, District- Patna, presently residing of C/O Children Mirror School, Ravinagar, Police Station Mughal Sarai, District Chandauli (Uttar Pradesh), Pin Code-232101
 2. Atul Kumar Singh, aged about 48 years, male, Son of Late Braj Nandan Singh Resident of Village/Mohalla Janakdhari Lal Road, Danapur, Police Station Danapur, District- Patna, presently residing of C/O Children Mirror School, Ravinagar, Police Station Mughal Sarai, District Chandauli (Uttar Pradesh), Pin Code-232101
 3. Alok Kumar Singh, aged about 42 years, Son of Late Braj Nandan Singh Resident of Village/Mohalla Janakdhari Lal Road, Danapur, Police Station Danapur, District- Patna, presently residing of C/O Children Mirror School, Ravinagar, Police Station Mughal Sarai, District Chandauli (Uttar Pradesh), Pin Code-232101

... .. Petitioners

Versus

1. THE STATE OF BIHAR
2. Mohan Prasad Son of Late Bhuwaneshwar Prasad Srivastava Resident of Village and Police Office Bengahi, Police Station Bairganiyan, District- Sitamadhi, Pin Code 843313

... .. Opposite Parties

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Appearance :

For the Petitioners : Mr. Prabhas Ranjan, Advocate.
For the Opposite Party: APP
For the Complainant : Mr. Radheshyam Sharma, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 15-07-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 420, 427, 403, 406, 120(B) of the Indian Penal Code registered in connection with Complaint Case No. 932(C) of 2012.



3. It is submitted that the petitioners have been falsely implicated in connection with sale of a piece of land to the complainant, suppressing the fact that a title suit was pending in respect of the said land. It is submitted however that the complainant would be expected to have verified the title of the land before purchasing the same. In any event the complainant has filed an intervenor petition in the title suit which has been allowed. The land has also been mutated in favour of the complainant. It is therefore submitted that at the highest the dispute between the parties is absolutely of civil nature. The other complaint cases in which the petitioners have been made accused all relate to the same land.

4. Learned counsel for the complainant appears and submits that the petitioners have sold the same piece of land to several persons despite stay order in Title Suit No. 126 of 1996 which therefore clearly indicates the fraudulent intention of the petitioner.

5. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Danapur, Patna in connection with Complaint Case No. 932 (C) of 2012 subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors of each of the petitioners shall be their close relatives other than the petitioners herein.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate with the



investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

6. The provisional bail granted to the petitioners shall be confirmed upon verification by the learned Court below, preferably within a further period of four weeks after furnishing bail bonds, that no stay order was operating against sale of the land in question in Title Suit No. 126 of 1996 and if there existed any such stay order, the provisional bail shall stand automatically cancelled.

(Vikash Jain, J)

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