

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57949 of 2018

Arising Out of PS. Case No.-3337 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Chandrika Singh @ Chandrika Prasad Sinha , S/o Late Raghun Singh.
 2. Ramesh Singh, S/o Late Drug Vijay Singh.
Both resident of Village- Lakhana, P.S. Gaurichak, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Pradeep Kumar, S/o Shri Satish Chandra Prasad Sinha, Resident of
Bhikhana Pahari, Devarun Apartment, Flat No. 501, Pirbahore, District-
Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad
For the Opposite Party/s : Mr.Sajal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

8 12-03-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 406, 420 and 120B of the Indian Penal Code.

The prosecution case as per the complainant, Pradeep Kumar is that the complainant was known to the petitioners from before. The petitioners persuaded Pradeep Kumar to purchase land belonging to co-accused Shanti Devi and her father-in-law, Shyam Narayan Pandey. After negotiation the



consideration amount for the land in question was fixed as Rs.2,48,000/- per katha of land and subsequently, Rs.4,96,000/- was paid to petitioner no. 2, Ramesh Singh to deliver the same to the vendor. Thereafter, co-accused Shanti Devi and Shyam Nandan Pandey fraudulently executed the sale deed for the land appertaining to Thana No. 52, Khata No. 4, Survey Khesra Plot No. 103 situated at Mauza Rasulpur, P.S. Punpun, District – Patna. Subsequently, Shyam Nandan Pandey died and thereafter, the complainant came to know that the land in question is under acquisition. It is alleged that despite asking for returning the money, they did not return the same and petitioner no. 1 was the identifier of the co-accused Shanti Devi at the time of execution of the alleged sale deed for the land in question, though the petitioner no. 2, Ramesh Singh was not the party to the alleged sale deed.

It is submitted by learned counsel for the petitioners that this is not in dispute that the land in question belong to co-accused Shanti Devi and Shyam Nandan Pandey. This is also not in dispute that the real owner executed the sale deed for the land in question and the vendors have never complained that they have not received the consideration money for the land in question. It is further submitted that petitioner no.



1, Chandrika Singh was the identifier of the co-accused Shanti Devi, who executed the sale deed whereas there is no specific accusation against petitioner no.2, Ramesh Singh. Though, the complainant has claimed that he paid the consideration money to petitioner no. 2, Ramesh Singh but no proof has been produced to that effect and vendor of the complainant, Shanti Devi has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 26.02.2019 passed in Cr. Misc. No. 11565 of 2019 on the ground that the accusation being arising out of civil nature of dispute and accusation does not come within the purview of cheating. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned counsel for the complainant submits that the petitioners persuaded the complainant to purchase the land in question and they had the knowledge that the land in question is under acquisition and despite of that they concealed this fact and moreover, the sale deed stipulates consideration amount of Rs.15,000/- and total consideration amount of Rs.4,96,000/- was paid to the petitioners.

Considering the fact that thrust of accusation is



against co-accused Shanti Devi, who has been granted anticipatory bail, and other vendor Shyam Nandan Pandey, who is dead, whereas the recital mentioned in the sale deed was known to the complainant being purchaser after that he signed the sale deed for the land in question.

In the circumstances, keeping in view the fact that the accusation being arising out of civil nature of dispute and co-accused Shanti Devi has been granted anticipatory bail by a Co-ordinate Bench of this Court, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XV, Patna in connection with Complaint Case No. 3337© of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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