

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37124 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- HABIBPUR District- Bhagalpur

1. SHREE NIWASH SAH @ SHRI NIWAS SAH Son of Late Govind Sah Resident of Village - Sikandarpur, P.S.- Mojahidpur, Dist.- Bhagalpur.
2. Amit Kumar Son of Shree Niwash Sah @ Shri Niwas Sah Resident of Village - Sikandarpur, P.S.- Mojahidpur, Dist.- Bhagalpur.
3. Ashish Kumar Son of Shree Niwash Sah @ Shri Niwas Sah Resident of Village - Sikandarpur, P.S.- Mojahidpur, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha
For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 19-06-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Habibpur P.S. Case NO. 01 of 2019, disclosing offences under Sections 420,406,504,506/34 of the Indian Penal Code.

It is alleged in the First Information Report that petitioner No.1 had received a sum of Rs. 4,50,000/- and executed an agreement to sell a piece of land in favour of the informant for the total consideration of Rs, 11,45,000/-. Allegedly, the payment of advance money was made in the year 2012. It is alleged in the First Information Report that petitioner No.1 has refused to execute the sale deed and as a matter of fact, he had already executed in respect of the



same piece of land in the year 1999 itself in favour of some other person. Petitioner Nos. 2 and 3, who are sons of petitioner No.1 are said to be the witnesses of the agreement to sell.

Learned counsel appearing on behalf of the petitioners has pointed out that the informant has also filed a suit for specific performance of contract, which is pending. He has accordingly argued that this is purely civil dispute between the parties which is being given colour of a criminal case.

Learned counsel appearing on behalf of the informant has opposed the prayer for anticipatory bail and has submitted that the First Information Report has been registered seven years after the payment of advance money when the the informant learnt about execution of earlier sale deed in the year 1999 in respect of same land, by petitioner No.1.

Be that as it may, considering the nature of accusation, this application is allowed.

Let the petitioners above named in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-XII, Bhagalpur in Habibpur Case No. 01 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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