

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63789 of 2018

Arising Out of PS. Case No.-568 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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1. Rama Shankar Sahni Son of Late Nagina Sahni, resident of Village-Akhtiyarpur, P.S.- Karja, District- Muzaffarpur.
 2. Vikash Kumar, Son of Late Upendra Kumar Singh, resident of Village-Jiyankhurd, P.S.- Karja, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Ravindra Thakur, Son of Late Bindeshwari Thakur, resident of Mohalla- Soda Godam Laxmi Chowk, Brahmpura, P.S.- Brahmpura, District- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Choudhary
For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 01-02-2019 Heard the parties.

The petitioners seek pre-arrest bail in Complaint Case No.568 of 2018 / Tr.No.3252 of 2018 registered under Sections 420 and 468/34 of the I.P.C.

Accusation is that the complainant Ravindra Thakur entered into an agreement with accused Ravindra Sahni in presence of Sanjay Sah and petitioner no.3 Vikash Kumar to purchase 60 decimal land at the rate of Rs.3,10,000/- per katha on 26.01.2016 and the complainant paid Rs.16,40,200/- between 26.01.2016 to 28.06.2016 to accused Ravindra Sahni. Later on, the complainant came to know that the aforesaid land has



already been sold by the family members of Ravindra Sahni to Vikash Kumar, petitioner no.2 through sale deed dated 09.12.2016. Thereafter the complainant approached Ravindra Sahni and the petitioners and asked them to return his money but they did not pay any heed. Then he sent legal notice through which he demanded Rs.16,40,200/-. Thereafter on 04.01.2018 Ravindra Sahni admitted to receive Rs.11,05,100/- only. The complainant again on 08.02.2018 gave another legal notice but Ravindra Sahni did not give any reply nor returned the money.

Learned counsel appearing on behalf of the petitioners submits that the agreement for sale dated 26.01.2016 was executed by Ravindra thakur informing complainant in presence of Vikash Kumar, petitioner no.2 but due to not carrying the agreement at the hand of complainant on the request of Ravindra Thakur petitioner no.2 purchased the land. The petitioner no.1 has been made accused because he is brother of co-accused Ravindra Thakur. It is further submitted that Ravindra Sahni sent the notice to get the sale deed executed within the period as detailed in agreement but complainant did not pay any heed then he sold the land in favour of petitioner no.2.

Having considered the facts and circumstances of the



case, let the petitioners, above named, in the event of their arrest of surrender before the learned court below within four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of the J.M. 1st Class, Muzaffarpur, in Complaint Case No.568 of 2018 / Tr.No.3252 of 2018 subject to the conditions as laid down under Section 438 (2) of Cr.P.C.

(Rajendra Kumar Mishra, J)

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