

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73572 of 2018

Arising Out of PS. Case No.-168 Year-2015 Thana- SARAN COMPLAINT CASE District-
Saran

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1. Sheo Kumari Kuer, Wife of Late Lalbahadur Rai, Resident of Village-Pakhar, P.S- Marhowrah, District- Saran at Chapra
 2. Pavitri Kuer Wife of Late Hotilal Rai Resident of village-Pakhar.P.S- Marhowrah, District- Saran at Chapra
 3. Umesh Rai Son of Chhathilal Rai All resident of Village- Pakhar, P.S.- Marhowrah, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shashinath Singh, Son of Late Rambarai Singh, resident of Village Ganaura, Naya tola, P.S- Amnour, District- Saran at chapra

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh
For the Opposite Party/s : Mr.Sri Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

8 18-11-2019 This is an application for grant of anticipatory bail in connection with Complaint Case No. 168 of 2015, disclosing offences under Sections 420 and 120B of IPC.

As per complaint case, complainant has purchased a piece of land from the petitioners no.1 and 2 and one Chhathilal Rai father of the petitioner no.3 on consideration of Rs.60 lakhs. However, later on, when the complainant went about the land, he came to know that the land has already been purchased by one Vijay Kumar Sharma and Radhika Sharan Sharma from the ancestral of the petitioners and thereafter, a Panchayati was held, in which, Chhathilal Rai has returned Rs.1,50,000/-, but the rest of the amount they are not ready to return.



Submission of the learned counsel for the petitioners is that the whole allegations are false and concocted. No papers have been produced by the complainant to show that Vijay Kumar Sharma and Radhika Sharan Sharma have purchased the land earlier.

Heard learned A.P.P. as well as learned counsel for the complainant, who has submitted that petitioners have full knowledge of the transaction by Vijay Kumar Sharma and Radhika Sharan Sharma, as the proceeding was pending before the D.C.L.R. and D.C.L.R. has dismissed the same after hearing the petitioners prior to sale by the petitioners, but in spite of knowledge of the same, they have sold the land to the complainant. As such, they have sold the land knowing the fact that the same has already been sold.

Having heard both sides, in view of the allegations as stated above, I am not inclined to grant privilege of anticipatory bail to the petitioners. However, they have to surrender and pray for regular bail before the learned court below, the same shall be considered on its own merit.

With the aforesaid, this application is dismissed.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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