

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76279 of 2018

Arising Out of PS. Case No.-10 Year-2017 Thana- JADIA District- Supaul

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1. Rabindra Singh @ Rabindra Kumar Singh, Son of Late Yadunandan Singh
 2. Sanjiv Singh @ Sanjiv Kumar Singh, Son of Late Yadunandan Singh,
 3. Rikesh Singh @ Rikesh Kumar Singh, Son of Late Yadunandan Singh,
 4. Amaresh Singh @ Amresh Kumar Singh, Son of Dhanushdhari Singh, All are residents of Village- Manganj, Police Station- Jadiya, District- Supaul
- ... Petitioners

Versus

1. The State Of Bihar
 2. Anil Kumar, s/o Umesh Prasad Yadav, resident of Vidya Nagar Gudiya, P.S. Jadiya, district Supaul
- ... Opposite Parties

Appearance :

For the Petitioners : Mr. Dinesh Maharaj, Adv.
For the Opposite Parties : Mr. Abhay Kumar – 1, APP 186

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 09-07-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Jadiya P.S. Case No. 10 of 2017 for the offences alleged under Sections 406, 420 and 34 of the Indian Penal Code.

The accusation is that the petitioners, who are residents of neighbouring village of the informant, Anil Kumar, approached him on 28.08.2016 to sell the land situated in village on pretext that they want to purchase the land in the town of Purnia. On negotiation, petitioners became ready to execute the sale deed on payment of consideration of Rs.5,20,000/- and went at Triveniganj Registry office for execution of the



agreement to sell, but, taking into consideration the expenses on execution of the agreement to sell, the affidavit was prepared on taking the advance of Rs.1,20,000/- and remaining amount of Rs.4,00,000/- was agreed to be given at the time of registry. Thereafter, the informant, Anil Kumar, approached the petitioners for execution of the sale deed, but, informant could not succeed to meet the petitioners and informant also came to know from the villagers that the petitioners have no land in their favour while 2½ bigha land was in the name of the mother of the petitioners, which has already been purchased by Monu babu @ Mukhiya. More over, the dispute is of civil in nature.

The submission of the learned counsel for the petitioners is that in fact the land was in the name of mother of the petitioners, which was being cultivated by Monu Babu @ Mukhiya as the petitioners use to reside outside the village, when the petitioners approached Monu Banu @ Mukhiya after the death of their mother and expressed their desire for cultivation, then, he managed to lodge the present case. Further, submission is that petitioners have not executed any affidavit, which is said to be executed in favour of informant to sell the land.

Learned Additional Public Prosecutor for the State



opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Jadiya P.S. Case No. 10 of 2017 shall be released on pre-arrest bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, V, Supaul, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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