

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42900 of 2019

Arising Out of PS. Case No.-64 Year-2019 Thana- KHAJANCHI HAT District- Purnia

1. Md. Sahabuddin @ Raju, son of Md. Rauf Resident of Village - Sipahi Tola, Madhubani, P.S.- K. Hat (Madhubani), Distt - Purnea
2. Md. Munna Son of Late Md. Islam @ Islamuddin Resident of Village - Sipahi Tola, Madhubani, P.S.- K. Hat (Madhubani), Distt - Purnea
3. Nageshwar Yadav Son of Late Dinesh Yadav Resident of Village - Rambagh, P.S.- Sadar, Distt - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 12-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with
K. Hat (Madhubani) P.S. Case No.64 of 2019 for the offence
punishable under Sections 406, 420, 506/34 of the Indian Penal
Code.

The allegation against the petitioners as per First
Information Report is that petitioners and the informant on
05.02.2017 had entered into an agreement with one Sunit
Kumar Singh for purchase of Khas Mahal land situated at Khata
No.1 Khesra No.103 having a total area of 1.4 katha at



Madhubani, Purnea. It has further been alleged that the informant gave three cheques having 2 lakhs in favour of Sunit Kumar Singh and one cheque of Rs. One lakhs in favour of Nageshwar Yadav on the instruction of Sunit Kumar Singh. It has further been alleged that when informant came to know that the land in question was a Government land meant for Judges quarter, therefore, the informant stopped payment of two cheques containing 2 lakh rupees but one cheque of sum of Rs. one lakh issued in the name of Nageshwar Yadav has already been encashed.

Learned counsel for the petitioners submits that the petitioners are merely witness to the agreement for sale, however, it has not been denied that one lakh rupees has been paid in the account of the petitioner No.3 and two other petitioners have been alleged to be a broker dealing in land on behalf of Sunit Kumar Singh and also witness to the agreement for sale.

Without prejudice to the same, learned counsel for the petitioners offers that a sum of rupees one lakh shall be paid in favour of signatory of cheque within four weeks.

After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and



taking into consideration the offer made by petitioners, if the petitioners make the payment of rupees one lakh, he may be released on anticipatory bail.

Accordingly, all the petitioners, named above, are directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, subject to the condition that payment of Rs. one lakh has been made to the right person by petitioner No.3.

(Anil Kumar Sinha, J)

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