

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76375 of 2018

Arising Out of PS. Case No.-143 Year-2018 Thana- BARGAINIA District- Sitamarhi

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Anil Prasad Chaudhary Son of Late Nagina Prasad Chaudhary, R/o Village-Pachtakki Ram, P.S.-Bairganina, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Deodhari Nishad, son of Late Mahraj Nishad, resident of Pachataki Ram, P.S. Bairginia, District-Sitamarhi.

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 76598 of 2018

Arising Out of PS. Case No.-143 Year-2018 Thana- BARGAINIA District- Sitamarhi

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Shambhoo Prasad Chaudhary S/o-Late Chandrakant Chaudhary, Resident of Village-Pachataki Ram, P.S.-Bairganina, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Devdhari Nishad, S/o-Late Maharaj Nishad, Resident of Village-Pachtaki Ram, P.S.-Bairganina, District-Sitamarhi.

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 76375 of 2018)

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Sri Arun Kumar

(In CRIMINAL MISCELLANEOUS No. 76598 of 2018)

For the Petitioner/s : Mr.Avanindra Kumar Jha

For the Opposite Party/s : Mr.Sri Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 13-05-2019 Since the petitioner of both the aforesaid applications apprehended his arrest in connection with Bairganina P.S. Case No.143 of 2018 registered under Sections 420, 467, 468, 471 and 406 of the Indian Penal Code, therefore, both the



applications have been heard together and are being disposed of by this common order.

The accusation is that the opposite party no.2 wanted to purchase the residential land. Thereafter, the petitioner Shambhoo Prasad Chaudhary (in Criminal Misc. No.76598 of 2018) along with other accused approached the opposite party no.2 to sell 5 decimals land in village-Pachtakki Ram and, accordingly, the opposite party no.2 agreed to purchase the land on consideration amount of Rs.3,00,000/-. Thereafter, the opposite party no.2 paid Rs.2,80,000/- to the petitioner Shambhoo Prasad Chaudhary (in Criminal Misc. No.76598 of 2018) with the assurance that the remaining amount Rs.20,000/- would be paid at the time of execution of the sale deed. Later on, the sale deed was executed in favour of the opposite party no.2 by the petitioner Shambhoo Prasad Chaudhary (in Criminal Misc. No.76598 of 2018) and the opposite party no.2 handed over Rs.20,000/- to him. Thereafter, when the opposite party no.2 was constructing the house on the said land, then the petitioner Anil Prasad Chaudhary (in Criminal Misc. No.76375 of 2018) and his wife Shweta Chaudhary came there and Shweta Chaudhary asked the opposite party no.2 that the said land belongs to her and the said land has been gifted by the



petitioner Anil Prasad Chaudhary (in Criminal Misc. No.76375 of 2018) in her favour through deed of gift. Thereafter, the opposite party no.2 obtained the certified copy of the deed of gift and found that the petitioner Anil Prasad Chaudhary (in Criminal Misc. No.76375 of 2018) has executed the deed of gift in favour of his wife Shweta Chaudhary. The opposite party no.2 came to know that all the accused under conspiracy sold the 5 decimal land to him by taking Rs.3,00,000/- and after that, the petitioner Anil Prasad Chaudhary (in Criminal Misc. No.76375 of 2018) with the help of other accused executed the deed of gift in favour of his wife Shweta Chaudhary. Despite repeated requests made by the opposite party no.2, the money was not returned to him by the accused persons. As such, all the accused including the petitioners cheated the opposite party no.2.

Learned counsel for the petitioner of both the applications submit that the dispute is of civil in nature and the petitioner of both the applications has no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi, in connection with Bairgania P.S. Case No.143 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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