

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48069 of 2019

Arising Out of PS. Case No.-1037 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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1. SUNAINA DEVI, Wife of Sushil Kumar Singh, Resident of Mohalla - Naya Tola, In front of Durga Mandir, P.S.- Danapur, District- Patna
 2. Pawan Kumar, Son of Sushil Kumar Singh, Resident of Mohalla - Naya Tola, In front of Durga Mandir, P.S.- Danapur, District- Patna
 3. Chandan Kumar, Son of Sushil Kumar, Singh Resident of Mohalla - Naya Tola, In front of Durga Mandir, P.S.- Danapur, District- Patna
 4. Kundan Kumar, Son of Sushil Kumar Singh, Resident of Mohalla - Naya Tola, In front of Durga Mandir, P.S.- Danapur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jaishankar Prasad, Advocate Son of Ramsharan Shah Advocate Association, Danapur, P.O.- Digha, P.S.- Danapur, Dist - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Ballabh Singh
For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-08-2019 Heard learned Counsel for the petitioners, complainant and
learned APP for the State.

The petitioners are apprehending arrest in a complaint case registered with for the offences punishable under Sections 406 and 420/34 of the Indian Penal Code wherein process has been directed to be issued after cognizance being taken.

The prosecution case as per the complaint petition is that on 21.01.2017 between 1.00 P.M. to 2.00 P.M., the petitioner no.1 expressed her willingness to sell her land @ Rs.12,00,000/-



per kattha. Subsequently, on the ground of illness of petitioner no.1, Sunaina Devi, the complainant, Jai Shankar gave Rs.31,000/- as advance for her treatment and again Rs.30,000/- was given for the same purpose. Subsequently, the complainant came to know that a title suit is pending against the said land.

It is submitted by learned counsel for the petitioners that there is neither any proof with regard to the payment made to the petitioners nor any agreement has been executed between the complainant and the petitioners. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned counsel for the complainant that in the background of good relationship, the complainant gave the aforesaid amount to the petitioners for transferring the land, hence no agreement could be executed to that effect.

Considering the accusation being levelled without any documentary proof with regard to the payment made to petitioners, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the



learned ACJM-VI, Danapur, Patna in connection with
Complaint Case No. 1037 C of 2018, subject to the conditions
as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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