

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48056 of 2019

Arising Out of PS. Case No.-962 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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1. MOSTT. SUSHILA DEVI Wife of Late Vishwanath Prasad Resident of Adarsh Colony near Shiv Mandir, Khagaul Road, Saguna More, P.O and P.S.-Danapur, District-Patna.
 2. Awadhesh Prasad Son of Late Vishwanath Prasad Resident of Adarsh Colony near Shiv Mandir, Khagaul Road, Saguna More, P.O and P.S.-Danapur, District-Patna.
 3. Vijay Birendra Kumar Singh @ Prince Kumar Son of Late Vishwanath Prasad Resident of Adarsh Colony near Shiv Mandir, Khagaul Road, Saguna More, P.O and P.S.-Danapur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mohammad Firoz Alam Son of Late Aminnuddin Resident of Naugharwa, P.S-Sultanganj, District-Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar Thakur
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 20-11-2019 Heard the learned counsel for the petitioners and

the State.

The petitioners seek bail in anticipation of their arrest in connection with Complaint Case No. 962 of 2017 dated 25.09.2017 instituted for the offences under Sections 406, 420, 504, 323, 379 and 34 of the Indian Penal Code.

The sum and substance of the accusation in the complaint petition is that a land was promised to be sold to



the complainant / Opposite Party No. 2 by the petitioners for the consideration amount of Rs. 25,00,000/-. As part of the consideration money, an advance of Rs. 15,00,000/- was paid, which was endorsed on the agreement to sale. Later, the complainant having come to know that the title over the land is under cloud, wanted the money to be returned. This was also because despite the insistence of the complainant for conveying the property by accepting the balance amount but the petitioners dilly dallied.

Learned counsel for the complainant / Opposite Party No. 2, on notice, has stated that the same plot of land which was agreed to be sold to him was earlier sold about 9 years ago to somebody else. It was precisely for this reason that the petitioners were reluctant in transferring the land in question to the complainant / Opposite Party No. 2

Mr. Pramod Kumar, learned counsel for the petitioners has submitted that the agreement to sale is a document which has been procured by the complainant fraudulently and the petitioner nos. 1 and 2 had never appended their signature, endorsing the acceptance of



advance money of Rs. 15,00000/-.

These aspects can only be dealt with and correctness of the same be determined at the trial. However, for the purposes of grant of anticipatory bail, this Court provides that in case the petitioners deposit the amount of Rs. 15,00,000/- before the court below by way of demand draft, which would be drawn in the name of Registrar of the Civil Court, Patna, within a period of 12 weeks, they shall be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Patna City in connection with Complaint Case No. 962 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

In the event of such amount of money being deposited by the petitioners, the concerned Court shall invest that amount in an interest bearing deposit with the provision for renewal for a period of six months and further automatic renewal after every six months. If the petitioners come out with the case unscathed, the amount shall be returned to



them or else the amount shall be paid to the complainant /
Opposite Party No. 2 on the satisfaction of the Court which
would try the case.

The petition stands disposed off with the aforesaid
observation.

In the interregnum period of twelve weeks, in case
of arrest of surrender, the petitioners shall be released on
provisional bail on their furnishing bail bonds of Rs. 5,000/-
each with two sureties of the like amount each to the
satisfaction of the learned Additional Chief Judicial
Magistrate, Patna City in connection with Complaint Case
No. 962 of 2017, subject to the conditions as laid down
under Section 438 (2) Cr.P.C.

If the amount so stipulated is not deposited
within 12 weeks, the provisional bail shall be withdrawn.

(Ashutosh Kumar, J)

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