

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75138 of 2018

Arising Out of PS. Case No.-441 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

1. Sanjeet Kumar @ Sanjeev Kumar, Son of Late Awadh Kishore Yadav
2. Ranjeet Kumar, Son of Late Awadh Kishore Yadav Both resident of Village- Manjhwa, P.S. Siwan Muffasil, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni

For the Opposite Party/s : Mr. Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-01-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 406, 420 and 120B/34 of the IPC.

The prosecution case got initiated with the filing of Complaint Case No. 1959 of 2017, filed by Diwakar Kumar Singh, which ultimately got registered as a police case, after complaint being transferred under Section 156(3) of the Cr. P.C. The prosecution case is that the complainant got acquainted with Awadh Kishore, the father of the petitioners, who assured him to get a piece of land registered in his favour for the consideration amount of Rs. 16 lacs and consequently Rs. 6,75,000/- was transferred in the account of Awadh Kishore, but



the sale deed was not executed by him despite of several request made by the complainant in that regard. On 20.08.2017, when the complainant went to the house of the accused persons, he was abused and was also given threat to life.

It is submitted by learned counsel for the petitioners that it appears unreasonable that without entering into the agreement to sale, the amount was transferred in the account of the father of the petitioners. It is further submitted that the money was transferred in the year 2013 and the father of the petitioners died on 10.05.2018, but the complaint was filed on 20.03.2018. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the father of the petitioner took money, but the sale deed was not executed.

Considering the fact that the money was not transferred to the petitioner, which was transferred to the father of the petitioners, moreover, it appears unreasonable that the money was not given to the land holder when the complainant was knowing that the land belongs to some other person, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioner be released on



anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Siwan Muffasil P.S. Case No. 441 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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