

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52190 of 2019

Arising Out of PS. Case No.-25 Year-2019 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. SMT. SUNDRAM DEVI @ SUNDRAM DEVI Wife of Sri Prakash Mishra @ Prakash Kumar Mishra Resident of Village - Manguraha, P.S.- Govindganj, Distt - East Champaran.
 2. Shri Prakash Mishra @ Prakash Kumar Mishra Son of Late Dayashankar Mishra Resident of Village - Manguraha, P.S.- Govindganj, Distt - East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Smt. Punam Devi Wife of Sushil Kumar Resident of Village - Manguraha, P.S.- Govindganj, Distt - East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-08-2019 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Complaint Case No. C-25 of 2019, in which cognizance has been taken for the offences punishable under Sections 406/420/467/468/504/34 of the Indian Penal Code.

The allegation against the petitioners is that the complainant had entered into an agreement with co-accused Vijay Lakshmi Devi for purchase of two kathas of land of Khata No. 527, Plot No. 774, for a total consideration amount of Rs.



50,000/- and a sum of Rs. 45,000/- was given to the co-accused Vijay Lakshmi Devi by the complainant in the year 2008 and it was agreed that rest amount of Rs. 5,000/- would be paid at the time of registration of the land. It has further been alleged that after sometime, the complainant came to know that co-accused Vijay Lakshmi Devi has sold the said land to the petitioner no. 1 on 05.12.2018. The petitioner no. 2 is the husband of the petitioner no. 1.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case on the basis of misconceived fact. He further submits that the petitioner no. 1 is the bona fide purchase of the land, in question, from the owner and the petitioner no. 1 had no knowledge about the vendor entering into any agreement for sale of the land in question prior to execution of sale deed in favour of the petitioner no. 1. He further submits that petitioner no. 2, being husband of petitioner no. 1, has unnecessarily been dragged in this case.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner no. 1 is the bona fide purchaser of a piece of land from the rightful owner and petitioner no. 2 is the husband of petitioner no. 1 and from



perusal of the complaint, it appears that there is no other allegation against the petitioners, I am inclined to grant the petitioners privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Motihari, East Champaran, in connection with Complaint Case No. C-25 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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