

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52641 of 2019

Arising Out of PS. Case No.-1010 Year-2018 Thana- COMPLAINT CASE District- Araria

1. SANJAY KUMAR SAH Son of Late Darogi Sah Resident of Village - Rampur Mohanpur Tola - Har Shankarpur Ward No. 9, P.S. - Araria (Bairagachchi), Dist.- Araria.
2. Manoj Kumar Sah Son of Late Darogi Sah Village Om Nagar W. No. 8, P.S. and District - Araria.
3. Ravi Shankar Prasad Sah Son of Late Darogi Sah Village Om Nagar W. No. 8, P.S. and District - Araria.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rajesh Prasad Sah Son of Late Darogi Sah Resident of Village - Om Nagar Ward No. 8, P.S. and District - Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh
For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 05-11-2019 This application, for grant of anticipatory bail, arises out of Complaint Case No. 1010C/2018, disclosing offences under Sections 417, 406 of the Indian Penal Code.

Case as per complaint petition is that complainant has entered into an agreement with the petitioners, who are his own brothers for purchase of a piece of land for a consideration amount of Rs. One Lakh Fifty Thousand but petitioners neither executed the sale deed nor returned the money.



Submission of learned counsel for the petitioners is that allegations are false and concocted and the real fact is that there was talk between the parties for badlain and there was no talk of consideration money as alleged in the complaint petition. Further submission is that falsity of the case will appear from the fact that as per complaint petition consideration money was fixed at Rs. One Lakh Fifty Thousand but the statement of complainant on solemn affirmation shows that the consideration money was Rs. One Lakh, as the petitioners were not ready for badlain, this false case has been filed.

Heard learned A.P.P. also as well as learned counsel for the complainant. Learned counsel for the complainant that in spite agreement between the parties, they have neither executed sale deed nor returned the money. However, learned counsel for the complainant could not show any recital showing the payment of Rs. One Lakh Fifty Thousand.

Having heard both sides, considering the facts and circumstances, this application is allowed. Let the petitioner, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of



learned Judicial Magistrate -1st Class, Araria, in connection with
Complaint Case No. 1010C/2018, subject to the condition laid
down under Section 438 (2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

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