

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55570 of 2019

Arising Out of PS. Case No.-79 Year-2018 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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1. Rambabu Prasad, Son of Late Chalitar Sah @ Late Ram Chalitar Sah Resident of Mohalla-Nagar Panchayat Janakpur Road Ward No.4 in front of Marwari Middle School, P.S.-Pupri, District-Sitamarhi.
 2. Ajay Prasad @ Ajay Kumar Sah Son of Rambabu Prasad Resident of Mohalla-Nagar Panchayat Janakpur Road Ward No.4 in front of Marwari Middle School, P.S.-Pupri, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Nawnath Shankar @ Nawnath Shankar Shendge Son of Shankar Maruti Shendge Resident of Village-Ped Taluka, P.S.-Tasgaw, District-Sangali Maharastra at present C/o Late Ishwar Gupta Nagar Panchayat Janakpur Road Baniya Toli (Loha Patti), P.S.-Pupri, District-Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Uday Kumar
For the Opposite Party/s	:	Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-09-2019 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with
Complaint Case No.C1/79/2018 for the offence punishable
under Sections 420, 504, 506 of the Indian Penal Code.

The allegation against the petitioners is that
petitioners had assured the complainant to give a shop on rent in
favour of complainant and on that basis, it has been alleged that
the complainant paid a sum of Rs.25,000/- to the petitioner No.1



and further paid a sum of Rs.25,000/- to petitioner No.2. It has further been alleged that despite having received the money towards shop, in question, the possession of the same has not been handed over to the complainant by the petitioners.

Mr. Udai Kumar, learned counsel appearing for the petitioners submits that petitioners have falsely been implicated in this case based on concocted story inasmuch as from perusal of the complaint, it would be evident that amount was paid in cash and there is no receipt of the same has been produced by the complainant. Learned counsel further submits that from perusal of the complaint, at best tenant and landlord dispute is there and no criminal offence is made out against the petitioners.

After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and taking into consideration the fact that the allegation against the petitioners in the complaint is not supported by any money receipt and further it appears that the statement made in the complaint case gives rise to a civil dispute between tenant and landlord, as such, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, all the petitioners, above named, are directed to surrender before the learned Court below within a



period of four weeks from today and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Pupri at Sitamarhi, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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