

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57700 of 2019

Arising Out of PS. Case No.-823 Year-2017 Thana- KHAGARIA District- Khagaria

1. Sudisht Chandra Mishra @ Sudhisht Chandra Mishra Son of Late Data Ram Mishra Resident of Village - Sanhauli, P.S.- Chitragupt Nagar, Khagaria, District- Khagaria
2. Ram Pravesh Yadav @ Ram Prabesh Yadav Son of Rasiklal Yadav Resident of - Goshala Road, Khagaria, P.S.- Chitragupt Nagar, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jayram Sharma, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-09-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

The petitioners apprehend their arrest in connection with Khagaria (C. Nagar) P.S. Case No. 823 of 2017, registered under Sections 419, 420 and 406 of the Indian Penal Code.

The allegation against the petitioners, as per FIR, is that one Ajay Kumar @ Pappu received an amount of Rs. 2,05,000/- from the informant in the year 1994 under an agreement for sale of piece of land situated at Khata No. 139, Khesra No. 689, having an area of 1 Katha 9 dhur in the district of Khagaria, it has further been alleged that vendor Ajay Kumar @ Pappu cheated the informant by not executing the sale deed



in favour of the informant.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case inasmuch as from perusal of FIR, no criminal offence is made out against the petitioners inasmuch as the petitioners are bonafide purchasers of the piece of land belonging to the said Ajay Kumar @ Pappu, the informant had allegedly given Rs. 2,05,000/- in the year 1994 for purchase of piece of land situated at Khata No. 139, whereas the petitioners are purchaser of piece of land to the extent 15 Dhur and 10 Dhurki respectively by way of two sale deeds situated at Khata No.20 Ka, Khesra No. 688 which is different Khesra of that Khata for which informant allegedly entered into agreement for sale with one Ajay Kumar @ Pappu.

After having heard learned counsel for the parties and taking into consideration the fact that there appears to be a dispute relating to sale of the land in favour of the petitioners and the petitioners are bonafide purchasers of land from Ajay Kumar @ Pappu against whom the informant has claimed that he has cheated the informant and did not register the sale deed after receiving a sum of Rs. 2,05,000/-, I am inclined to grant anticipatory bail to the petitioners.

This application is, accordingly, allowed.



Let the petitioners, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (C. Nagar) P.S. Case No. 823 of 2017; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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