

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3728 of 2019**

Arising Out of PS. Case No.-156 Year-2019 Thana- RAJAOLI District- Nawada

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1. Manju Devi, Wife of Rameshwar Prasad @ Bindu Singh
 2. Chandan Singh @ Karuna Sagar, Son of Rameshwar Prasad @ Bindu Singh
 3. Rameshwar Prasad @ Bindu Singh, Son of Kapildeo Singh
- All are Resident of Village- Rajabigha, P.S.- Rajauli, District- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar
2. Jitendra Rajbanshi, son of Damodar Rajbanshi, Resident of village- Rajabigha, Panchayat Konibar, P.S. and Anchal- Narhat, P.S.- Rajauli, District- Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Hansraj

For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 13-12-2019 Heard learned counsel for the appellants. No one appears on behalf of the State to oppose this application.

The appellant in the present case is challenging the order dated 10.07.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Nawada in ABP No.815 of 2019 in connection with Rajauli P.S.Case No.156 of 2019 registered for the offences punishable under Sections 420, 406, 323 and 504/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

Learned counsel for the appellants submits that the allegations against these appellants are that they had got a piece of



land purchased from the informant on payment of part consideration amount and when the informant went to the appellants demanding rest of the amount, the appellants abused him and gave him hand and fists blow. Learned counsel submits that the allegations are totally false and flimsy and have been purposely made to falsely implicate these appellants who have purchased the land for adequate consideration. Learned counsel has produced a copy of the original sale deed and has drawn attention of this Court towards paragraph '4' of the sale deed in which it is categorically stated that the vendor had received total consideration amount of Rs.3 lacs and not a single paisa has remained outstanding.

In the given facts and circumstances of the case, considering the submission of learned counsel for the appellants that all these appellants who are purchasers of the land have been falsely implicated after purchase of land after payment of full consideration amount, that it may be a case of false implication and in any view of the matter the allegations are more leaning towards a civil dispute, this Court hereby sets aside the impugned order and directs that in the event of arrest or surrender of the appellants within a period of four weeks from today, the appellants shall be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the



like amount each to the satisfaction of learned A.D.J.-I, Nawada in connection with Rajauli P.S. Case No.156 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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