

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56540 of 2019

Arising Out of PS. Case No.-324 Year-2019 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. RAM KUMAR PANDEY
 2. Shivam Kumar Pandey
both sons of Late Ram Gulam Pandey
 3. Amrendra Kumar Pandey Son of Ramashish Pandey
1 to 3 are resident of Village - Chaita Utari, P.S.- Aangarghat, District- Samastipur
 4. Sunil Kumar Mishra Son of Late Ramagor Mishra @ Ramagar Mishra
Resident of Village - Punash, P.S.- Samastipur, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Om Prakash Pandey, Son of Shri Hari Kishor Pandey, Resident of Village - Chaita Uttarhi, P.S.- Angarghat, District- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar
For the Opposite Party/s : Mr.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-09-2019 The petitioners apprehend their arrest in connection with Complaint Case No. 324 of 2019 in which cognizance has been taken under Sections 120B, 323,341,406,409,420 and 504/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that Petitioner no. 3 has been arrested during the pendency of this case and he is not pressing his application for anticipatory bail inasmuch as the same has become infructuous.

Accordingly, this application on behalf of petitioner no. 3 is



dismissed as infructuous.

So far as petitioners no. 1, 2 and 4 are concerned, the allegation against them as per complaint is that petitioners no. 1 and 2 allured the complainant that they would arrange marriage of the complainant with near relative i.e., sister-in-law of the petitioner no. 2 and on that pretext got the lands of the complainant registered in the names of petitioners no. 1 and 2.

Learned counsel appearing on behalf of the petitioners submits that petitioners have falsely been implicated in this case inasmuch as from perusal of Annexures-2 and 3, which are sale deeds executed by the complainant in favour of the petitioners no. 1 and 2, it would be evident that the complainant was very much present before the Registry Office, his photograph is also embossed on the sale deeds as well as his five finger prints taken by bio-metric method are also there on the back page of the sale deeds. He further submits that from perusal of the recitals of the deeds, it would be evident that the consideration amount for purchase of land has been paid by the petitioners no. 1 and 2 in favour of the complainant.

On the other hand, learned counsel for the O.P.No. 2 vehemently opposes the prayer for anticipatory bail to the petitioners and submits that petitioners have cheated the complainant by allurements inasmuch as they assured the



complainant that after execution and registration of sale deeds, they would arrange a girl for marriage with the complainant but they did not fulfill their promise and have committed cheating and forgery with the complainant.

After having heard learned counsel for the parties and taking into consideration the fact that from perusal of the complaint, it appears that there is transaction of sale deeds in between the parties in which consideration amount for purchase of land by the petitioners no. 1 and 2 is already mentioned and petitioner no. 4 is a witness to the sale deeds, as such I am inclined to grant anticipatory bail to the petitioners.

Let the petitioners no. 1, 2 and 4, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Samastipur in connection with Complaint Case No. P.S.Case No. 324 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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