

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62123 of 2019

Arising Out of PS. Case No.-1441 Year-2017 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. SARITA DEVI Wife of Pappu Ojha
 2. Pappu Ojha Son of Brahmdeo Ojha
 3. Brahmdeo Ojha Son of Late Parichhhan Ojha
all Resident of Village- Nayagaon Bhutaha, P.S.- Paharpur, District- East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Jhuna Sah Son of Late Sri Narayan Sah Resident of Village- Siswa Maldahiya, P.S.- Paharpur, District- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar
For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-10-2019 The petitioners apprehend their arrest in connection with Complaint Case No. 1441 of 2017 registered under Sections 417 and 420 of the Indian Penal Code.

Allegation against the petitioners is that petitioners took a sum of Rs. 3 lacs from the complainant for executing a sale deed of a piece of land situated near jewelry shop of the complainant having an area 10 dhurs and a total consideration amount of land was fixed at Rs. 3,50,000/-. It has further been alleged that rest amount of Rs. 50,000/- shall be paid at the time of registration of land as the date of registration of sale deed was



fixed on 31.01.2017, but the accused persons failed to execute the sale deed as agreed.

Learned counsel appearing on behalf of the petitioners submits that petitioners have falsely been implicated in this case with oblique motive inasmuch as there is no agreement for sale between the parties and also there is no proof of payment of sum of Rs. 3 lacs by the complainant in favour of the petitioners. Learned counsel further submits that present complaint has been filed with *mala fide* intention to put pressure upon the petitioners.

Having regard to the submissions made by the parties and taking into consideration the fact that earlier the petitioners had preferred bail application before the court below bearing ABP NO. 723 of 2018 and petitioners did not choose to challenge the same before the higher court i.e., this Court, accordingly, I am not inclined to exercise my discretion for grant of anticipatory bail to the petitioners and the same is rejected.

However, if petitioners surrender before the court below within a period of four weeks from the date of receipt of a copy of this order and make prayer for regular bail, the court below may consider the application for regular bail, taking into consideration the fact as stated above, without being prejudiced



by this order, if possible, on the same day.

(Anil Kumar Sinha, J)

sujit/-

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