

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59584 of 2019**

Arising Out of PS. Case No.-289 Year-2019 Thana- TURKAULIYA District- East  
Champaran

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BHOLA SAHANI @ NANDLAL SAHANI Son of Saheb Sahani Resident of  
Village - Raghunathpur, Ward no. 4, P.S.- Raghunathpur O.P., District - East  
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Uday Chand Prasad

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR  
MISHRA**

**ORAL ORDER**

2      20-09-2019                      Heard learned counsel for the petitioner and the learned  
A.P.P. for the State.

The petitioner apprehends his arrest in connection with  
Turkauliya (Raghunathpur) P.S. Case No.289 of 2019/G.R. Case  
No.3175 of 2019, arising out of Complaint Case No.778 of 2019,  
registered under Section 420 of the Indian Penal Code.

The accusation is that 6 Katha 14 Dhur land, appertaining  
to Khata No.189 and Khesra No.850, of the complainant/informant is  
situated in village-Raghunathpur, and in north to said land, 14 Katha  
land, appertaining to Khata No.32 and Khesra No.282, is of Naresh  
Kumar Sharma. While the path was available to reach at the land of  
the complainant/ informant but there was no path to reach at the land  
of Naresh Kumar Sharma. Due to non-availability of the path to



reach to the land of Naresh Kumar Sharma, no body wants to purchase his land, due to that reason, Naresh Kumar Sharma made proposal before the complainant/informant to purchase his 1 Katha 10 Dhurs land out of 6 Katha 14 Dhurs land for the purpose of path but the complainant/informant asked to pay Rs.40,00,000/- as consideration money but Naresh Kumar Sharma wanted to pay only Rs.14,00,000/-. Thereafter, Naresh Kumar Sharma, adopting the foul play, approached him with Vinod Paswan and this petitioner at his house and accepted to purchase the aforesaid land on the consideration money of Rs.40,00,000/- and Naresh Kumar Sharma, out of Rs.40,00,000/-, paid Rs.14,00,000/- to him, saying that he will pay the remaining amount within a month. Thereafter, Naresh Kumar Sharma, using the aforesaid land as path, sold the maximum area of his land and did not pay the remaining amount Rs.26,00,000/- to the complainant/informant, out of the consideration money of Rs.40,00,000/-. In spite of making repeated requests, Naresh Kumar Sharma did not pay the remaining amount and started to abuse, giving threatening of dire consequences.

Learned counsel for the petitioner submits that it would appear from the complaint petition, on the basis of which the present F.I.R. was lodged, that while the petitioner is named in the complaint petition but no overt act is attributed to him. The only allegation against the petitioner is that he along with Naresh Kumar Sharma and Vinod Paswan had gone at the house of the complainant/ informant



on the date of the occurrence, where Naresh Kumar Sharma accepted to pay Rs.40,00,000/- for 1 Katha 10 Dhur land and out of the aforesaid amount, he paid only Rs.14,00,000/, to the complainant/informant, saying that he will pay the remaining amount of the consideration money within a month.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran at Motihari, in connection with Turkauliya (Raghunathpur) P.S. Case No.289 of 2019/G.R. Case No.3175 of 2019, arising out of Complaint Case No.778 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

**(Rajendra Kumar Mishra, J)**

P.S./-

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