

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74816 of 2018

Arising Out of PS. Case No.-261 Year-2013 Thana- PIPRA District- Supaul

1. Phool Kumar Mehta, son of late Ganga Ram Mehta
2. Ram Kumar Mehta, son of late Ganga Ram Mehta, both are residents of village Bisanpur, P.S. Pipara, district Supaul
3. Shamal Mehta, son of late Ram Shwaroop Mehta, resident of village Narhi Shivpuri, P.S. Kisanpur, district Supaul ... Petitioners
Versus

1. The State Of Bihar
2. Bhusan Sah, son of late Rajdeo Sah, resident of village Narhi Shivpuri, P.S. Kisanpur, district Supaul ... Opposite Parties

Appearance :

For the Petitioners : Mr. Pramod Mishra, Adv.
For the State : Mr. Mithilesh Kumar Khare, APP 108
For OP No. 2 : Mr. Amarjeet Prabhakar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

6 19-07-2019 Heard learned counsel for the petitioners, the learned counsel for complainant and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Pipara P.S. Case No. 261 of 2013 for the offence alleged under Section 420/34 of the Indian Penal Code.

The accusation is that the petitioners sold 4 katha land of old plot no. 7692, new plot no. 10058, khata no. 1086 of village Narhi Shivpuri in favour of complainant/opposite party no. 2 on 14.06.2012 on taking a consideration amount of Rs.44,000/-, but, later on complainant/opposite party no. 2 came to know, at the time of mutation, that the said land has already



been sold by the late Ganga Ram, father of petitioners no. 1 and 2 and instead of much persuasion the petitioners did not take any heed to return the money or to give another land.

The learned counsel, Mr. Pramod Mishra, appearing for the petitioners submits that admittedly land, as detailed in complaint petition, was sold by the petitioners taking the consideration amount of Rs.44,000/- to the complainant/opposite party no. 2, but, at the time of execution of the sale deed both the petitioners were not aware about selling of the land by their father, late Ganga Ram, and the purchaser has sold the disputed land to another person. Petitioners no. 1 and 2 are ready to return the consideration amount of Rs.44,000/- with expenses in total of Rs.60,000/-. Petitioner no. 3 is the only the witness on the sale deed.

On the other hand, learned counsel appearing for complainant/opposite party no. 2 submits that opposite party only wants land not the consideration amount with expenses.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in



connection with Pipara P.S. Case No. 261 of 2013 shall be released on pre-arrest bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Supaul, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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