

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68193 of 2019

Arising Out of PS. Case No.-1028 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Kumari Anjani W/o Umesh Sharma @ Umesh Kumar R/o village- Kopa Kala, House No. 32, P.S.- Naubatpur, District- Patna
 2. Umesh Sharma @ Umesh Kumar S/o Vishwanath Sharma R/o village- Kopa Kala, House No. 32, P.S.- Naubatpur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gautam Kumar Singh S/o Late Suryadev Singh R/o village- Parsa, P.S.- Naubatpur, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 18-11-2019 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 1028(C) of 2018 registered under Sections 406 and 420/34 of the Indian Penal Code.

The accusation is that both petitioners, Kumari Anjani and her husband Umesh Sharma approached to the complainant, Gautam Kumar Singh, to sell 67 decimal of land of Plot No. 2225 and Plot No. 2221 of Khata No. 424 in village Ibrahimpur claiming that petitioner no. 1 is sole heir of her



father, Samnendra Kumar. On negotiation, rate of land was fixed at the rate of Rs.8,50,000/- per katha and agreement to sale was also executed. At that time, Rs.1,51,000/- was given as advance and thereafter, Rs.5,00,000/- was also given through cheque and cash but when the complainant-opposite party no. 2 reached at the filed for fixing the pillar then one Kumari Anjari, claiming own sister of petitioner no.1, Kumari Anjani, made protest claiming her $\frac{1}{2}$ share in the land.

Learned counsel for the petitioners submits that admittedly, petitioner no. 1, Kumari Anjali and Kumari Anjari are own sister and daughters of late Samnendra Kumar and the marriage of Kumari Anjani is performed in the village of complainant-opposite party no. 2 and after death of father, Kumari Anjari declined to take her share due to that reason petitioner no.1 executed the agreement to sale the land but later on, Kumari Anjari, started to claim her share in the property. Moreover, only Rs.1,51,000/- was give at the time of agreement to sale and later on, cheque of Rs.1,00,000/- and cash of Rs.10,000/- was given by the complainant-opposite party no. 2 and the petitioner no.1 is ready to return the said amount or to execute her $\frac{1}{2}$ share.

Having regard to the facts and circumstances of the



case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned Additional Chief Judicial Magistrate- I, Danapur, in connection with Complaint Case No. 1028(C) of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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