

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64454 of 2019

Arising Out of PS. Case No.-977 Year-2018 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. SANJAY PRASAD @ SANJAY MAHTO Son of Ramashray Prasad @ Ramashray Mahto Resident of Village - Bhanachak, P.S.- Majhanlia, Dist.- West Champaran (Accused)
 2. Achhelal Mahto @ Achhelal Prasad Son of Ramshray Prasad @ Ramashray Mahto Resident of Village - Bhanachak, P.S.- Majhanlia, Dist.- West Champaran (Accused)

... .. Petitioners.

Versus

1. THE STATE OF BIHAR
2. Narayan Prasad Son of Jiut Mahto Resident of Village - Bhanachak, P.S.- Majhanlia, Dist.- West Champaran .

... .. Opposite Parties.

Appearance :

For the Petitioners	:	Mr. Sanjeev Kumar Shrivastava, Advocate. Mr. Ravish Mishra, Advocate.
For the State	:	Mr. Rajendra Singh, A.P.P.
For the opposite party no.2:	:	Mr. Bimlesh Kumar Pandey, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 04-11-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State as also the learned counsel for the opposite party no.2.

The petitioners apprehend their arrest in connection with Complaint Case No.977(C) of 2018 registered under Sections 406, 420, 323 and 504 of the Indian Penal Code.

The accusation is that Ramashrya Prasad alias Ramashray Mahto approached the opposite party no.2 to sell his three kathas land at the rate of 1,60,000/- per katha. Accordingly, the opposite party no.2 gave Rs.3,00,000/- as advance to Ramashray Prasad alias



Ramashray Mahto, who handed over the same to the petitioner no.1. After arrangement of the remaining amount, the opposite party no.2 approached Ramashray Prasad alias Ramashray Mahto to execute the sale deed but, ultimately, the sale deed was not executed in favour of the opposite party no.2 by him.

Learned counsel for the petitioners submits that, in fact, the opposite party no.2 talked with Ramashray Prasad alias Ramashray Mahto to purchase three katha of his land and the opposite party no.2 handed over Rs.300000/= to him as advance but the petitioners have falsely been implicated in this case.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, West Champaran, in connection with Complaint Case No.977(C) of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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