

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61982 of 2018**

Arising Out of PS. Case No.-1156 Year-2017 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

1. Chandra Shekhar Prasad @ Anil Kumar
2. Satish Kumar @ Satish Prasad, Both sons of Late Dinanath Prasad, resident of Mohalla- Kalibag, Ward No. 3, P.S. Bettiah Town, District- West Champaran.

... .. Petitioners

Versus

1. State Of Bihar
2. Lal Mohan Prasad, S/o Late Motilal Prasad, resident of Village- Balua Rampurwa, P.S. Bairiya, District- West Champaran at Bettiah.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Md. Arif

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

4 29-04-2019 Petitioners seek bail in anticipation of their arrest in connection with Complaint Case No. 1156 of 2017, corresponding to Trial No. 519 of 2018, registered for the offences punishable under Sections 420 and 406 of the Indian Penal Code.

Allegation against the petitioners is that they have taken Rs.50,000/- and Rs.95,000/- from the complainant for selling of land and they have neither executed sale deed nor returned the amount to the complainant.

Submission of learned counsel for the petitioners is that with respect to the same land they have filed a title suit



against the father of the complainant and complainant is defendant No.6 in the title suit which was filed for cancellation of sale deed and declaration of title and possession and as such the case does not appear to be probable and moreover this case is of civil nature.

Heard learned APP and learned counsel for the complainant, who has opposed the prayer for anticipatory bail on the ground that police after inquiry has submitted a report in this case against the petitioners that they have taken money but not executed sale deed. However, the complainant has not filed any suit for specific performance of contract.

Having heard both sides and in the facts and circumstances, let petitioners, above named, in the event of arrest or surrender within a period of six weeks from the receipt of this order, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, West Champaran, Bettiah, in connection with Complainant Case No. 1156 of 2017, corresponding to Trial No. 519 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further condition that one of the bailors of the petitioners shall



be a local person having sufficient immoveable properties
within the jurisdiction of the court concerned.

(Vinod Kumar Sinha, J)

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