

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65848 of 2018

Arising Out of PS. Case No.-167 Year-2018 Thana- RANIGANJ District- Araria

1. Meera Devi W/o Late Shivanand Mehta,
2. Priya Ranjan Kumar, S/o Late Shiva Nanda Mehta,
Both resident of Village- Bistoria, Ward No.15, P.S.- Raniganj, District-
Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma

For the Opposite Party/s : Mr.Sri Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 09-04-2019 Heard the parties.

The petitioners are apprehending their arrest in connection with Raniganj P.S.Case No.167 of 2018 , registered for offences punishable under Sections 420, 406/34 of the Indian Penal Code.

Allegation as per the complaint petition is that the complainant has taken Rs.17 ,000/- loan from the father of the petitioner no.1 on the interest of 5% per month and agreed to mortgaged 50 decimal of land with condition that once the money will be returned with interest, the land will be returned to the informant. The further allegation is that in the year, 2014, the complainant asked the father of the petitioner no.1 to



calculate the amount and on calculation, he paid Rs.50,000/- to the father of the petitioner no.1, thereafter Rs.25,000/- and Rs.45,000/- were also paid but in spite of that father of the petitioner no.1 has not returned the land and started demanding Rs.60,000/- more that was also paid to the father of the petitioner no.1. A *panchayati* was also held but the same was not abide by.

Submission of the learned counsel for the petitioners is that the documents clearly show that the sale deed was executed in favour of the father of the petitioner no.1 and there is nothing in the sale deed that the land shall be returned after payment of the aforesaid amount and till the life time of the father of the petitioner no.1, the case had not been lodged and after death of his father, the present case has been filed.

Heard learned A.P.P. and the learned counsel for the informant. They have opposed the prayer for bail on the ground that the petitioners have also taken Rs.50,000/- which will appear from the complaint petition and further submitted that he has opposed the prayer for bail on the ground that an agreement, which has been annexed also, shows that the sale deed was executed with condition that when he will return the amount, the land shall also be returned and during the



panchayati also the petitioner had accepted to return the money..

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of order be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Araria in connection with Raniganj P.S.Case No.167 of 2018, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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