

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80216 of 2019

Arising Out of PS. Case No.-113 Year-2019 Thana- LODIPUR District- Bhagalpur

1. Sitaram Pandey @ Sitaram Tiwary, (Male), aged about 65 years, Son of Late Kamleshwari Pandey, Resident of Village - Laloochak Angari, P.S.- Lodipur, Dist - Bhagalpur.
2. Ashish Kumar Pandey @ Ashish Tiwary, (Male), aged about 32 years, Son of Sitaram Pandey, Resident of Village - Laloochak Angari, P.S.- Lodipur, Dist - Bhagalpur.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Sanjay Kumar Ghosarvey, Advocate.
For the Opposite Party	:	Mr.Md. Matloob Rab, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-12-2019 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 420 and 406/34 of the IPC.

The prosecution story, in brief, is that Ashadul, the husband of the informant, had friendship with one Baban Tiwary who told her husband that he is going to purchase land in Bhagalpur and he also offered her to purchase the land there. Upon which, her husband came with Baban Tiwary at Bhagalpur. Baban Tiwary alongwith his father-in-law Sitaram Tiwary (petitioner no. 1) shown a land which belongs to one



Ram Pukar Singh and for that land, Baban Tiwary, his brother-in-law (Sala) Ashish Tiwary (petitioner no. 2), his father-in-law Sitaram Tiwary (petitioner no. 1), Pradeep Kumar Das and Dharendra Lal Das had taken Rs. 5,80,000/- from the complainant on different dates at the residence of Sitaram Tiwary but the said land was not registered in her name. It is further alleged that instead of that land, one land of Brajesh Kumar, was registered in her name which was valued at Rs. 2,00,000/- upon which, she made query that why they have taken amount of Rs. 5,80,000/- upon which Baban Tiwari told her that he would return the rest amount but despite repeated demand and request they failed to return the amount rather has abused and threatened to kill her family members. It is further stated in the F.I.R. that there is no fault of Brajesh Kumar but the others did fraud with her therefore, requested for legal action against them.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is further submitted that the petitioner and others shown a land of one Ram Pukar Singh to



the complainant and for that land they had taken Rs, 5, 80,000/- from the complainant but the sale deed was executed in respect of a different land of one Brajesh Kumar valued at Rs. 2,00,000/- in stead of land of Ram Pukar Singh. The matter relates to civil dispute.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Bhagalpur, in connection with Lodipur P.S. Case No. 113 of 2019 (G.R. No. 2780 of 2019), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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