

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52388 of 2018

Arising Out of PS. Case No.-547 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Mosmat Gayatri Devi @ Gayatri Devi, Wife of Late Bhagwan Ojha,
 2. Rajendra Kumar Ojha, Son of Late Bhagwan Ojha,
 3. Sujeet Kumar Ojha, S/o Late Bhagwan Ojha, All resident of Village- Shahpur,
P.S.- Shahpur, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Kundan Kumar, Son of Alakh Niranjana Singh, Resident of Village- Shahpur,
P.S.- Shahpur, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudha Chandra
For the Opposite Party/s : Mr. Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 02-01-2019 Heard learned Counsels for the petitioners and
learned APP for the State.

The petitioners are apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 406, 420 and 120 B of the Indian Penal Code.

The prosecution case as per the complaint petition is that on 16.02.2016, the petitioners entered into an agreement for sale with regard to a piece of land appertaining to Holding No. 258, Mahal No. 01, Ward No.05 and Area 2200 Sq. feet situated within Danapur Municipality Area and Rs.6,00,000/- as advance were paid to the petitioners. Subsequently, the complainant



came to know that the petitioners neither have any title nor possession over the land in question.

It is submitted by learned counsel for the petitioners that the petitioners claimed the land as their ancestral land. However, the petitioners agree to return Rs.6,00,000/-, out of which he has returned the Rs.90,000/- through bank transaction and he is ready to return the remaining amount of Rs. 5,10,000/- within a period of six months to the complainant. Since the petitioner no. 2, who has to arrange the funds, is suffering from some serious ailment, learned counsel for the complainant accepts the offer of the petitioners.

In view of the present stand of the parties, let the above named petitioners be released on provisional anticipatory bail for six months, in the event of arrest or surrender before the learned Court below within a period of 12 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 **Judicial Magistrate 1st Class, Danapur, Patna**, in connection with **Complaint Case No. 547 (c) of 2017**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioners will be confirmed by



the learned Court below, on submission of proof with regard to return of the entire amount to the tune of Rs. 5,10,000/- to the complainant, out of which, petitioners will submit a bank draft of Rs. 1,50,000/- before the learned Court below, in favour of the complainant at the time of furnishing the bail bonds and the remaining amount will be returned by submitting bank draft in five equal installments before the learned Court below. It is expected from the learned Court below to release the drafts in favour of the complainant.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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