

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4389 of 2020

Arising Out of PS. Case No.-54 Year-2019 Thana- PARSABAZAR District- Patna

1. NAVIN KUMAR SINHA Son of Late Ajay Krishna Kumar Sinha Resident of Village and P.O., Bir, P.S.- Dhanarua, District- Patna, presently residing at HI- 55, Harmu Housing Colony, Harmu, P.S.- Harmu, District and Town- Ranchi, Jharkhand.
2. Kiran Sinha Wife of Sri Navin Kumar Sinha Resident of Village and P.O., Bir, P.S.- Dhanarua, District- Patna, presently residing at HI- 55, Harmu Housing Colony, Harmu, P.S.- Harmu, District and Town- Ranchi, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lal Babu Singh

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 17-09-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioners and Sri Ram Bilash Roy Raman, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Parsa Bazar PS case no. 54 of 2019 registered for the offences punishable under Sections 406, 420 of Indian Penal Code.

As per F.I.R, it appears that co-accused Banwari Paswan had entered into an agreement with the informant to sell a piece of land for Rs. 24, 50,000/- and the informant had



already paid a sum of Rs. 25,65,000/-, which was more than the consideration money. As per allegation, co-accused Banwari Paswan had got an agreement executed between the petitioner no. 1 and others and when the informant contacted for sale of piece of land, for which an agreement had already been executed between the parties and a total sum of Rs. 25,65,000/- had been paid, the accused persons failed to execute the sale deed and instead, later on, the co-accused Banwari Paswan got a sale deed executed in favour of Neha Kumari Raz @ Neha Kumari Raj, concealing the agreement between him and the informant.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. It is further submitted that at best, the allegations levelled in the present case can be said to be in the nature of civil dispute, hence it would be advisable for the informant to approach the Civil Court having competent jurisdiction for redressal of his grievance. It is further submitted that similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide orders dated 21.10.2019, passed in Cr. Misc. no. 36623 of 2019 and Cr. Misc. no. 42278



of 2019 respectively.

The learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioners and taking into account the parity of the case of the petitioners with that of the co-accused persons who have already been granted bail and moreover, the dispute in question is in the nature of civil dispute, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Judge-VIII-cum-A.C.J.M., Patna in connection with Parsa Bazar PS case no. 54 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

