

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.14539 of 2020

Arising Out of PS. Case No.-1037 Year-2018 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. GULABI DEVI Wife of Ambika Das @ Amerika Das Resident of Village - Pipara, Ward No. 25, P.S. - Shikarpur, Dist.- West Champaran.
 2. Ambika Das @ Amerika Das Son of Late Harinandan Das Resident of Village - Pipara, Ward No. 25, P.S. - Shikarpur, Dist.- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manoj Kumar Son of Late Lalan Prasad Resident of Village - Diuliya, Ward No. 24, P.S. - Shikarpur, Dist.- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Dr. Ajeet Kumar
Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 07-07-2020 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, requiring social distancing.

Heard the learned counsel for the petitioners and Mr. Ashok Kumar, the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Complaint Case No. 1037 of 2018 registered for the offence punishable under Sections 406, 323 and 504/34 of the Indian Penal Code.



The allegation is regarding the accused persons including the petitioners herein having taken some money from the complainant for the purposes of sale of land and had promised that after the full amount is paid, the accused persons would get the land in question registered in the name of the complainant, however subsequently, the accused persons refused to sell the land in question and also did not return the advance sale consideration taken by them.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. It is further submitted that the allegations levelled in the complaint petition are in the nature of civil dispute and the appropriate remedy for the complainant is to approach the competent court having civil jurisdiction.

Per contra, 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 made by the learned counsel for the petitioners and taking into account the fact that the dispute in question is purely a civil dispute and the appropriate remedy for the complainant is not a criminal prosecution, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran in connection with Complaint Case No. 1037 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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