

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17910 of 2020

Arising Out of PS. Case No.-231 Year-2018 Thana- DARBHANGA COMPLAINT CASE
District- Darbhanga

-
1. Pramod Kumar Choudhary Son of Digambar Choudhary Resident of Village and P.S.- Jamalpur, District - Darbhanga, At present residing at Mohalla - Chhapki Parri, P.S.- Sadar, District - Darbhanga.
 2. Sharawan Kumar Choudhary Son of Digambar Choudhary Resident of Village and P.S.- Jamalpur, District - Darbhanga, At present residing at Mohalla - Chhapki Parri, P.S.- Sadar, District - Darbhanga.

... .. Petitioners

Versus

1. The State of Bihar
2. Ramchandra Jha Son of Late Digambar Jha Resident of Village - Tumaul, P.S.- Bahera, District - Darbhanga.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Sandeep Jha, Adv.
For the Opposite Party/s : Mr. Ram Bachan Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 16-09-2020

Heard learned counsel for the petitioners and
learned APP for the State through video conferencing

The instant application for anticipatory bail has
been filed by the petitioners apprehending their arrest in
connection with C.R. Case No.231 of 2018, T.R.No.2886 of
2019 in which cognizance has been taken under sections 406
and 418 of the Indian Penal Code.

As per allegation in the complaint, it is stated by
the complainant that in the year 2012, he paid a sum of Rs.27



lacs and Rs.10 lacs ie a total of Rs. 37 lacs to the petitioners herein who happen to be his son-in-law and the elder brother of his son- in -law being the consideration amount for purchase of a piece of land. It is stated that the accused persons are neither executing the registered sale deed in his favour nor are they returning the said amount.

It is submitted by learned counsel for the petitioners that from reading of the complaint itself it would transpire that the allegations are one of purely civil dispute between the parties. The alleged transaction having taken place in the year 2012, there is no explanation whatsoever for the delay of 6 years in filing of the complaint. Further referring to the order of the learned Court below, it is submitted that the case of the petitioners was disbelieved on the ground that no transactions were shown with respect to the transfer of money in favour of Dilip Yadav. It is submitted that pursuant to the transactions in the year 2012, a registered sale deed dated 14.10.2012 (Annexure-2) was executed by Dilip Kumar Yadav, on receiving the consideration amount, in favour of the two sons of the complainant herein. It is finally submitted that the petitioners have no criminal antecedent and it is with the oblique motive that a criminal case has been filed in a dispute of civil



nature.

The application for bail is opposed by the learned
APP for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioners including the delay in lodging of the complaint and the nature of allegations as contained therein, the Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with C.R. Case No.231 of 2018, T.R.No.2886 of 2019, they will be enlarged on bail on furnishing bail bond of Rs 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Darbhanga, subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

(Partha Sarthy, J)

Bibhash/-

U			
---	--	--	--

