

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80025 of 2019

Arising Out of PS. Case No.-6 Year-2019 Thana- DANAPUR District- Patna

1. Sumitra Devi Wife of Vishnu Sah @ Vishnu Prasad Gupta Resident of Village - Shahpur Patory, P.S.- Shahpur Patory, Distt - Samastipur. At present Manash Bhakt, New Mithila Colony Main Road Nasariganj, Danapur, the house of Lakhpatiya Devi, P.S.- Danapur, Distt - Patna.
2. Raju Kumar Son of Vishnu Sah @ Vishnu Prasad Gupta Resident of Village - Shahpur Patory, P.S.- Shahpur Patory, Distt - Samastipur. At present Manash Bhakt, New Mithila Colony Main Road Nasariganj, Danapur, the house of Lakhpatiya Devi, P.S.- Danapur, Distt - Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Satish Chandra, Adv.
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 20-02-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Danapur P.S. Case No. 06 of 2019 (arising out of Complaint Case No. 1006(c) of 2018) registered for the offence punishable under sections 420, 406, 120B, 341, 323, 504, 506 and 34 of the Indian Penal Code.

As per allegation in the F.I.R., a sum of Rs. 2,00,000/- is stated to have been given by the informant to petitioner nos. 1 and 2 by way of advance against purchase of the immovable



property for a total consideration of Rs. 8.64 Lakh, however, subsequently inspite of the informant being ready to pay the balance amount, the accused persons were neither executing the registered sale deed nor returning the advance.

It is submitted by learned counsel for the petitioners that the allegations as levelled in the FIR are false and concocted. Firstly the allegation is purely in the nature of a civil dispuet. Further on the face of it, the allegations are false for the reason that the same piece of land was purchased by petitioner nos. 1 and 2 from the father of the informant by a registered sale deed on 27.05.2015 wherein the informant of the instant case is also one of the witnesses. It is stated that 27.05.2015 is the same date on which this sale deed was executed in favour of the petitioners as also on which date it is allegaed that the informant had given a sum of Rs. 2,00,000/- by way of advance. Besides these submissions the petitioner also relies on other document which he has brought on record and submits that petitioners have no criminal antecedent.

The application for bail is opposed by learned APP for the State. He submits that in the order of the court below it has come that petitioner no. 1 has a criminal antecedent.

In response, it is submitted on behalf of the petitioners



that supplementary affidavit has been filed wherein it has been stated that the petitioner no. 1 has no criminal antecedent.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the nature of allegation together with the contents of the sale deed brought on record as Annexure-3 to this application, this Court is inclined to enlarge the petitioners on bail. They are directed to surrender in the Court below within a period of six weeks from today and in the event of their arrest or surrender, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Danapur at Patna in connection with Danpur P.S. Case No. 06 of 2019 (arising out of Complaint Case No. 1006(c) of 2018), subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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