

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.84196 of 2019**

Arising Out of PS. Case No.-436 Year-2019 Thana- KATIHAR District- Katihar

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1. ASHA DEVI Wife of Ravindra Prasad Sinha
  2. Ravindra Prasad Sinha Son of Atar Lal Prasad Sinha  
Both are resident of Durgapur Gausala Near Cold Storage, P.S.- Katihar  
Sahayak, District- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prem Chand Roy S/o Yogendra Roy, R/V-Durgapur Gousala, P.S.-Sahayak  
Katihar, Dist.-Katihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Mukesh Kumar Jha  
For the Opposite Party/s : Mr.Ram Bilash Roy Raman

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

4      17-06-2020                      Heard both sides through Video Conferencing.

The petitioners apprehend their arrest in Katihar Sahayak P.S. Case No.436 of 2019 registered under Sections 341, 323, 420 and 406 of the Indian Penal Code.

The informant filed complaint petition alleging therein that he purchased the land from petitioner No.1 on payment of Rs.3,20,000/- but later on, it transpired that the aforesaid land was mortgaged to the Bank who issued notice. It is alleged that the petitioners cheated the informant and sold the land although the petitioner had taken loan on the sold land.

The learned counsel for the petitioners submits that the petitioner has already deposited entire amount of loan and there was settlement between the loanee and the Bank but since only notice was issued to the petitioners on such the Bankers had come on the place of occurrence which was in possession of



the informant, the informant lodged this case of cheating.

Mr. Ram Bilash Roy Raman, learned A.P.P. however opposed the prayer for anticipatory bail and submits that petitioners sold the land without paying the entire loan.

Learned counsel for the informant also submits the same facts but it appears that petitioners of course took loan but they claimed that they had already paid the entire loan amount and there was settlement between the petitioners and the Bank. If any amount of the Bank is lying due against the petitioners, petitioners are ready to pay the same.

Taking into consideration the facts aforesaid, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Katihar Sahayak P.S. Case No.436 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Jha, J)**

Saurabh/-

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