

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3449 of 2020

Arising Out of PS. Case No.-387 Year-2019 Thana- NATHNAGAR District- Bhagalpur

1. YUGAL KISHORE GUPTA @ YUGAL KISHORE Son of Late Kamla Prasad Resident of Mohalla - Janki Prasad Lane, Mundichak, P.S.- Tilkamanjhi, District - Bhagalpur.
2. Kumar Keshav Son of Yugal Kishore Gupta @ Yugal Kishore Resident of Mohalla - Janki Prasad Lane, Mundichak, P.S.- Tilkamanjhi, District - Bhagalpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sanjay Yadav @ Pappu Yadav, son of Late Sahdeo Yadav of Ghosi Tola, Nath Nagar, P.S. NathNagar, Distt. Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat
For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

CAV ORDER

6 02-11-2021 Heard the learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest for the offences alleged under Sections 406 and 420/34 of the Indian Penal Code, registered in connection with Nathnagar P..S.Case No.387 of 2019 (G.R.No.3619/2019).

The informant Sanjay Yadav @ Pappu Yadav lodged the FIR, stating therein that four ladies Smt. Usha Kiran Devi, Smt Pushpa Devi, Smt Nisha Devi and Smt. Kiran Devi, who are sisters of the informant, entered into an agreement with the



informant for sale of their lands, but only two sisters executed the sale deed, whereas the two sisters, namely, Nisha Devi and Kiran Devi refrained from executing the sale deed. Despite the fact that the informant paid the consideration money through a cheque of Rs.12,50,000/- and a cash of Rs. 12,00,000/-, these two sisters executed the sale deed in respect of some other persons. The further case of the informant is that these two sisters paid Rs. 12,50,000/- to the informant which was given by cheque. Further they paid Rs. 1,00,000/- cash to the informant, but still Rs. 11,00,000/- has not been paid.

Learned counsel for the petitioners has submitted that co-accused Nisha Devi and Kiran Devi had taken only Rs. 13,50,000/- from the informant and the entire money has been paid to him. The petitioner no.1 is husband of Kiran Devi, whereas petitioner no.2 is son of Kiran Devi. These two petitioners have been made accused as the consideration amount was transferred in their bank accounts.

On the other hand, learned APP, assisted by learned counsel for the informant, has submitted that he has given details of amount advanced to the petitioners. He has further submitted that the accused persons have taken altogether 24,00,000/- from the informant, but they did not return the Rs.



11 lakhs, neither they executed the sale deed in favour of the informant.

It is an admitted fact that the informant and co-accused are brother and sisters. The allegation is of not returning the money taken by the co-accused to the informant in lieu of transfer of the land. Prima facie, it appears a civil dispute.

Considering these facts and circumstances, let the petitioners above-named, in the event of their arrest or surrender within four weeks from the date of communication of this order, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each, to the satisfaction of learned A.C.J.M.-I, Bhagalpur in connection with Nathnagar P.S.Case No.387 of 2019 (G.R.No.3619/2019), subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Nawneet Kumar Pandey , J)

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