

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15301 of 2020

Arising Out of PS. Case No.-416 Year-2018 Thana- LAHERIYASARAI District- Darbhanga

1. SMT. RENU BHARAT W/o Kishan Verma Resident of Village/ Mohalla- Karamganj, Rajput Colony, Naka No.06, P.S.- Laheriasarai, Distt- Darbhanga.
2. Sri Kishan Verma S/o Late Nand Bihari Prasad Resident of Village/ Mohalla- Karamganj, Rajput Colony, Naka No.06, P.S.- Laheriasarai, Distt- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Aditya Prakash Sahay
For the Opposite Party/s	:	Mr.Abhay Kumar, APP
For the Informant	:	Mr. Sameer Ranjan

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 20-09-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in a case registered under Sections 406 and 420 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons took advance from the informant on pretext of selling a piece of land but later did not execute the sale deed.



It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The petitioner has been made accused due to mistake of fact. There was agreement for sale for a piece of land. Later, the informant came to know that the property was mortgaged with the Bank. It is further pointed out on behalf of the petitioner that the matter relates to civil dispute and there is remedy under the Code of Civil Procedure available to the petitioner. The case is triable by the Magistrate.

On behalf of the State and the informant, it is submitted that the petitioners are named in the F.I.R. The petitioners have committed fraud and cheating.

Considering the fact that the matter relates to civil dispute, the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Laheriasarai P.S. Case No. 416 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for one time settlement.

(Sudhir Singh, J)

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