

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19975 of 2021

Arising Out of PS. Case No.-137 Year-2018 Thana- COMPLAINT CASE District- Supaul

1. Jamun Prasad Yadav @ Jamun Yadav Son of Late Punit Lal Yadav Resident of Village- Mansarpur, P.O. and P.S.- Karjain, District- Supaul.
2. Prabhash Yadav @ Prabhash Kumar Yadav Son of Sri Jamun Prasad Yadav @ Jamun Yadav Resident of Village- Mansarpur, P.O. and P.S.- Karjain, District- Supaul.
3. Ashok Bhushkuliya Son of Late Vishwa Nath Bhushkuliya Resident of Village- Mansarpur, P.O. and P.S.- Karjain, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Devendra Kumar Choudhary Son of Birendra Kumar Choudhary Resident of Village- Bishunpur Daulat, P.S.- Raghapur, District- Supaul.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat
For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 16-12-2021 Heard learned counsel for the petitioner and

learned APP for the State.

Learned counsel for the petitioner is expected

to honour his undertaking given in the instant case for

depositing the requisite court fee and to remove the

defects as pointed out by the office when called upon to

do so by the office.

The petitioner is apprehending his arrest in a



complaint case wherein cognizance has been taken under Sections 420, 379, 323, 341 of the Indian Penal Code.

It is alleged that complainant entered into an agreement for sale of a piece of land with Upendra Bhushkuliya and paid Rs. 3,75,000/- as consideration amount but at the time of execution of the sale deed, he found that wrong boundary of the land was mentioned in the sale deed. Hence, the sale deed could not be executed. The complainant thereafter approached the accused several times for execution of the sale deed or return of the consideration amount but neither sale deed was executed nor the money was returned. The petitioner Nos. 2 and 3 are witnesses of the consideration amount. It is further alleged that petitioner No. 1 snatched cash of Rs. 3500/- from the complainant.

It is submitted by learned counsel for the petitioners that the thrust of accusation is against co-accused Upendra Bhushkuliya who is not petitioner



before this Court. Moreover, for a civil nature of dispute, the petitioners cannot be prosecuted in a criminal proceeding. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

In the facts and circumstance of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Birpur, Supaul in connection with Complaint Case No. 137(C) of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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