

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19298 of 2021

Arising Out of PS. Case No.-275 Year-2020 Thana- KHAJEKALA District- Patna

1. RADHA DEVI KHATRI W/O PRADIP KUMAR KHATRI R/o Mohalla- Sadar Gali Bagh Malu Khan, P.S.- Khajekalan, District- Patna
2. Pradip Kumar Khatri S/o Ram Bhajan Lal Khatri R/o Mohalla- Sadar Gali Bagh Malu Khan, P.S.- Khajekalan, District- Patna
3. Shubham Kumar Khatri @ Shubham Kumar S/o Pradip Kumar Khatri R/o Mohalla- Sadar Gali Bagh Malu Khan, P.S.- Khajekalan, District- Patna
4. Rajat Kumar Khatri S/o Pradip Kumar Khatri R/o Mohalla- Sadar Gali Bagh Malu Khan, P.S.- Khajekalan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Pramod Kumar, Advocate
For the State	:	Mr. APP
For the informant	:	Mr. Bipin Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-09-2021 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant through virtual mode.

The present matter is being taken up out of turn on the mentioning slip filed on behalf of the petitioners stating therein that the petitioner No.4 has already been taken into judicial custody and the present application has become infructuous in respect of petitioner No.4. Let the mentioning slip filed on behalf of the petitioners be kept on the record.



Application filed on behalf of petitioner No.4 is dismissed as withdrawn.

Counsel for the petitioner Nos.1 to 3 is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The petitioners are apprehending their arrest in connection with Khajekalan P.S. case No.275/20 corresponding to G.R. No.3171/20 registered under Sections 406, 420 of the Indian Penal Code.

Allegation is that the accused persons including the petitioner Nos.1 to 3 took money from the informant in lieu of sale of land but sold it to other persons and cheated the informant.

It has been submitted on behalf of the petitioner Nos.1 to 3 that the petitioner Nos.1 to 3 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner Nos.1 to 3. The petitioner Nos.1 to 3 have falsely been implicated in the present case. The petitioner Nos.1 to 3 have been made accused due to mistake of fact. The matter relates to sale and purchase of the land. An agreement was entered into between the parties and in compliance of the agreement for sale, sale proceeding could not take place. The



matter relates to civil dispute. The alleged occurrence is said to be 04.09.2020 and the case was instituted on 07.09.2020. A supplementary affidavit has been filed on behalf of the petitioner Nos.1 to 3 that one of the co-accused has already deposited an amount of Rs.6 lacs in favour of the informant.

On behalf of the State and learned counsel for the informant, it is submitted that the petitioner Nos.1 to 3 are named in the complaint case/F.I.R. It has further been submitted that a fraud has been committed by the accused persons.

Considering the facts that the matter relates to civil dispute, the petitioner Nos.1 to 3, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Sub Divisional Judicial Magistrate, Patna City in connection with Khajekalan P.S. case No.275/20 corresponding to G.R. No.3171/20, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner Nos.1 to 3 will furnish bail bonds of Rs.10,000/- (Rupees ten thousand) 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.

(Sudhir Singh, J)

Narendra/-

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