

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33550 of 2020

Arising Out of PS. Case No.-4423 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

- =====
1. Neesha Anand @ Nisha Anand W/o Sri Suraj Kumar resident of village-
Surya Computer Shidharth Nagar, Tahal Tola, P.o.- Dhanaut, P.s.-
Rupashpur, Distt.- Patna
 2. Suraj Kumar S/o Raj Ballabh Rai resident of village- Surya Computer
Shidharth Nagar, Tahal Tola, P.o.- Dhanaut, P.s.- Rupashpur, Distt.-
Patna

... .. Petitioners

Versus

1. The State of Bihar Bihar
2. RAVI SHANKAR KUMAR PARMANAND SINGH NANDANA

... .. Opposite Parties

=====

Appearance :

For the Petitioner/s	:	Mr.Vijay Kumar Sinha, Adv.
For the Opposite Party/s	:	Mr. Rajendra Prasad, APP
For the O.P. No. 2.	:	Mr. Rahul Kumar, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 10-03-2021 Heard Mr. Vijay Kumar Sinha, learned counsel for

the petitioners and Mr. Rahul Kumar, learned counsel for the

complainant / opposite party no. 2. The State is represented

by Mr. Rajendra Prasad, learned APP.

The petitioners seek bail in anticipation of their

arrest in connection with Complaint Case No. 4423 of 2017

in which cognizance has been taken under Sections 406, 420

and 34 of the Indian Penal Code.

The petitioners are said to have accepted an



amount of Rs. 6,49,000/- from the O.P. No. 2 for transferring a land measuring about 12 decimals. However, when the transfer could not be effected, the opposite party no. 2 demanded his money back. The petitioners are said to have refunded only Rs. 2,73,000/- and the balance amount of Rs. 3,76,000/- is still due against the petitioners. The petitioner no. 1 is the wife of petitioner no. 2 but she is said to be the owner of the land in question.

Learned counsel appearing on behalf of the petitioners submits that every effort is being made to return the balance amount of Rs. 3.76,000/- to the O.P. No. 2. He further submits that the petitioners undertake to return the aforesaid amount positively within a period of three months to be counted from today. He also submits that if this promise/assurance is not fulfilled, he is ready to face any consequences including the cancellation of anticipatory bail of the petitioners.

Learned counsel for opposite party no. 2 is agreeable to accept the aforesaid offer made on behalf of the petitioners.



In view of the stand taken by the petitioners for return of the balance amount of Rs. 3,76,000/- within the next three months, this Court is inclined to grant anticipatory bail to them.

The petitioners, above named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Judge -XV, Patna, in connection with Complaint Case No. 4423 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure

In case the balance amount is not paid within the aforesaid time, it would be open for the opposite party no. 2 to file an application before this Court for cancellation of anticipatory bail of the petitioners.

(Ashutosh Kumar, J)

sunilkumar/-

U		T	
---	--	---	--

