

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1033 of 2021

Arising Out of PS. Case No.-515 Year-2019 Thana- CHIRAIYA District- East Champaran

1. DABLU KUMAR SAH @ MITHILESH KUMAR S/O SHIV MANGAL PRASAD R/O VILLAGE-MIRPUR, P.S.-CHIRAIYA, DISTRICT-EAST CHAMPARAN.
2. PAPPU KUMAR SAH @ AWADHESH KUMAR PRASAD S/O SHIVMANGAL PRASAD R/O VILLAGE-MIRPUR, P.S.-CHIRAIYA, DISTRICT-EAST CHAMPARAN.
3. RAVI RANJAN KUMAR SAH @ CHITRANJAN KUMAR S/O SHIV MANGAL PRASAD R/O VILLAGE-MIRPUR, P.S.-CHIRAIYA, DISTRICT-EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 26-08-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 02.01.2021, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners apprehend their arrest in connection with Chiraiya P.S. Case no. 515 of 2019, registered under Sections 406, 420, 504 and 506/34 of the Indian Penal Code.



The accusation is that informant Vijay Prasad wanted to sell his land, in that course, Dablu Kumar Sah (Petitioner No.1) met with him and told that Lakshmi Narayan Prasad, son of Shiv Mangal Sah of village-Mirpur also wanted to purchase the land and, thereafter, petitioner No.1 Dablu Kumar Sah managed a meeting of informant with Lakshmi Narayan Prasad and on negotiation, the consideration amount was fixed as Rs. 4,90,000/-, out of which, at that time Rs. 2,90,000/- was given to him by Lakshmi Narayan Prasad on assurance that the remaining amount would be paid at the time of registry and the date was fixed for execution of sale deed on 28.05.2019. On 28.05.2019, in the registry office, informant asked to pay remaining amount, but Dablu Kumar Sah (Petitioner No.1) and his brothers Pappu Kumar Sah (petitioner No.2) and Ravi Ranjan Kumar Sah @ Chitranjan Kumar (petitioner No.3) told him that they could not bring the remaining amount as registry office is not safe and they assured him to give money after returning the village. The informant, on relaying the statement of the petitioners, executed the sale deed and returned to his house. Thereafter, informant approached the Dablu Kumar Sah (Petitioner No.1), but he showed negligence regarding giving the remaining amount



saying that his wife has gone to Myaka with the key of the box. Thereafter, Panchayati was arranged, but Dablu Kumar Sah (Petitioner No.1) and his brothers did not participate in the said Panchayati. Thereafter, informant went to the house of the petitioners, where they abused him and flatly refused to give money giving threatening of dire consequences.

Learned counsel for the petitioners submits that, in fact, petitioners were mediator in selling and purchasing of land in between informant Vijay Prasad and Lakshmi Narayan Prasad, but with ulterior motive, the informant lodged the present case after execution of the sale deed, while the purchaser Lakshmi Narayan Prasad has not been made accused in this case. Further submission is that the petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M-IV, Sikarhana at Dhaka in connection with Chiraiya P.S. Case No. 515 of 2019, subject to the condition as laid down under Section



438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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