

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5291 of 2021

Arising Out of PS. Case No.-550 Year-2019 Thana- NATHNAGAR District- Bhagalpur

1. ARUN CHOUDHARY @ ARUN KUMAR CHOUDHARY SON OF LATE RAMESH PRASAD CHOUDHARY Resident of Bhimkitta, P.S.- Nathnagar (Madhusudanpur), Distt.- Bhagalpur
2. ASHUTOSH CHOUDHARY @ PRINCE SON OF ARUN CHOUDHARY @ ARUN KUMAR CHOUDHARY Resident of Bhimkitta, P.S.- Nathnagar (Madhusudanpur), Distt.- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. PAPPU YADAV SON OF LATE SAHDEO YADAV Resident of Ghosi Tola, Nathnagar, P.S.- Nathnagar (Madhusudanpur), Distt.- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya
For the Opposite Party/s : Ms. Asha Devi, APP.

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 10-12-2021 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

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

The petitioners apprehend their arrest for the offences alleged under Sections 406, 420 and 441 of the Indian Penal Code, registered in connection with Nathnagar (Madhusudanpur) P.S.Case No.550 of 2019.

As per the FIR, the petitioner no.1 assured to transfer



his land in favour of the informant which was in the name of petitioner no.1 and his father. Petitioners took Rs. 8,00,000/- cash on 05.01.2018 and Rs. 4,00,000/- and 3,00,000/- respectively, also after ten days, but neither the land was transferred nor his money was returned. The allegation against petitioner no.2 is that he took Rs. 1,00,000/- from the informant for purchase of a motor-cycle. The petitioner no.2 is the son of petitioner no.1.

Learned counsel for the petitioners has submitted that it is purely a land dispute. The petitioner no.1 and his father Ramesh Prasad Choudhary executed an agreement to sale in favour of the informant on 05.01.2018, xerox copy whereof has been annexed as Annexure-2. Learned counsel further submitted that the informant did not pay the consideration money. It is the reason that the sale deed has not been executed. If the informant is aggrieved, he should have taken recourse to a civil suit, but he wants resolution of the matter through filing this application.

Considering the above facts and circumstances and also considering that it is a case of civil nature, let the petitioners above-named, in the event of their arrest or surrender within four weeks from the date of communication of this order,



be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each, to the satisfaction of learned ACJM-I, Bhagalpur in connection with Nathnagar (Madhusudanpur) P.S.Case No.550 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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