

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11923 of 2021**

Arising Out of PS. Case No.-42 Year-2005 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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1. MUSAFIR CHAUHAN S/O SUKHDEO CHAUHAN R/O VILLAGE-BUDHAUL, TOLA JANGAL BELDARI, POLICE STATION AND DISTRICT-NAWADA.
 2. PRAKASH CHAUHAN S/O SUKHDEO CHAUHAN R/O VILLAGE-BUDHAUL, TOLA JANGAL BELDARI, POLICE STATION AND DISTRICT-NAWADA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. MADAN PANDEY S/O LATE RAM CHRITRA PANDEY PUJARI SHIV MANDIR, R/O VILLAGE-BUDHAUL, TOLA JANGAL BELDARI, POLICE STATION AND DISTRICT-NAWADA.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar
For the Opposite Party/s : Mr.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-04-2022 Heard learned counsel for the petitioners and learned APP for the State. Though, in compliance of the order dated 14.12.2021, notice was issued upon opposite party no.2 and as per office notes, the O.P. No.2 has personally received the notice but today when the case is called out, nobody appears on behalf of the opposite party no.2.

The petitioners apprehend their arrest in a case in connection with Complaint Case No.42/2005, registered for the offence punishable under Sections 418, 406 of the IPC.

The prosecution case, in short is that Yamuna Chauhan



and his wife went to purchase the land and matter was finalised at Rs.60,000/-. Yamuna Chauhan gave the said amount to the informant, who gave Rs.50,000/- to the petitioners and kept Rs.10,000/- with him for paper work and signature was also taken. Thereafter, the petitioners fled away after taking the money.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence as alleged has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. There is no any land dispute between the vendor and the vendee but the complainant being the mediator, for want of more commission has implicated the petitioners. The witness Sudamiya Devi of Complaint Case No.42/2005 has filed the Compromise petition in which she clearly disclosed that both sale deed have been executed by vendor Musafir Chauhan and Prakash Chauhan in her favour and second sale deed in favour of her husband Yamuna Chauhan and there is no any complain against these petitioners. The petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail.



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 six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Complaint Case No.42/2005, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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