

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15353 of 2021

Arising Out of PS. Case No.-420 Year-2018 Thana- BANKA District- Banka

1. RITA JHA W/o Kumar Bhardwaj R/o village- Chamrailli, P.S. and District- Banka, Bihar
2. Kumar Bhardwaj S/o Naresh Mohan Chaudhary R/o village- Chamrailli, P.S. and District- Banka, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Harendra Kumar Tiwary, Advocate.
For the Informant	:	Mr. Laxmi Kant Tiwary, Advocate.
For the Opposite Party/s	:	Mr.APP.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 04-01-2022 Heard Mr. Harendra Kumar Tiwary for the
petitioners and Mr. Laxmi Kant Tiwary for the informant.

The petitioners who are wife and husband amongst themselves, seek bail in anticipation of their arrest in connection with Banka P.S. Case No. 420 of 2018 dated 21.06.2018 instituted for the offences under Sections 420, 467, 468 and 471/34 of the Indian Penal Code.

The informant of this case has alleged that she has purchased the property from one Uday Kant Mishra, but fraudulently, his brother Shiva Kant Mishra has sold the same property to the petitioners.

Learned counsel for the petitioners has submitted



that assuming but not admitting that Shiva Kant Mishra had sold the property belonging to his brother, the petitioners being the purchasers of the property for a valid consideration cannot be saddled with criminal prosecution for the charges under Sections 420, 467, 468 and 471 IPC. There is nothing on record to indicate that the petitioners as purchasers knew that the property did not belong to their vendor.

Considering this aspect of the matter and taking into account that a Title Suit is pending between the parties, the petitioners, in the event of their arrest or surrender before the learned Court below within a period of four weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Banka in connection with Banka P.S. Case No. 420 of 2018, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

The application stands allowed.

(Ashutosh Kumar, J)

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