

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14999 of 2021

Arising Out of PS. Case No.-278 Year-2019 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. BINARANI GHOSH @ VEENA GHOSH @ BEENA RANI GHOSH Wife of Rajesh Kumar @ Rajesh Kumar Ghosh Resident of Muhalla- Tilkabanjhi Near Shitlasthan, P.S.- Kotwali (Tilkamanjhi), District- Bhagalpur.
 2. CHANDRASHEKHAR GHOSH @ CHANDU GHOSH Son of Rajesh Kumar @ Rajesh Kumar Ghosh Resident of Muhalla- Tilkabanjhi Near Shitlasthan, P.S.- Kotwali (Tilkamanjhi), District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. BABLOO NARAYAN SINHA Son of Late Deep Narayan Sinha Resident of Mukheriya, P.S.- Jagdishpur, District- Bhagalpur (Complainant)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 25-02-2022 Heard Mr. Diwakar Kumar Upadhyay, learned Advocate for the petitioners and Mr. Bachan Jee Ojha, learned counsel for the informant. The State is represented by learned APP.

The petitioners seek bail in anticipation of their arrest in connection with Complaint Case No. 278 of 2019 (District – Bhagalpur), in which cognizance has been taken under Sections 323, 406 and 420 of the Indian Penal Code.

The accusation in the complaint petition which has



given rise to the subject F.I.R. is that the husband of petitioner no. 1 who is the father of petitioner no. 2 had accepted Rs. 12,00,000/- as an interim amount for sale of three acres and 28 and a half decimal of land in the district of Banka,. However, neither the balance money is being accepted by aforesaid Rajesh Kumar Ghosh nor the land has been conveyed to the informant.

The learned Advocate for the petitioners has submitted that so far as the accusation against them is concerned, they are only said to have abused the informant and others who had come to the house of Rajesh Kumar Ghosh for demanding his money back.

The learned Advocate for the petitioners has submitted that the accusation is false in its entirety for the reason that the price of the land was fixed at Rs. 60 lakhs and odd and no registry could have been done before the entire consideration amount was paid. In order to avoid making payment of the balance amount, the subject F.I.R. has been lodged.

Notices have been served upon both the sides and



primarily it appears to be a dispute related to sale and purchase of a land.

Considering the nature of accusation against the petitioners, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Irshad Alam, Judicial Magistrate 1st Class, Bhagalpur, in connection with Complaint Case No. 278 of 2019 (District – Bhagalpur), subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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