

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6556 of 2022

Arising Out of PS. Case No.-240 Year-2020 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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1. TUNTUN DEVI W/o Hari Mandal @ Hari Narayan Mandal Resident of Village - Madhepura Ward No.5, P.s.- Madhepura, Distt.- Madhepura. At Present Residing at Village Morkahi Ward No.11, P.s.- Murliganj, Dist.- Madhepura.
 2. Hari Mandal @ Hari Narayan Mandal Son of Late Siayaram Mandal Resident of Village - Madhepura Ward No.5, P.s.- Madhepura, Distt.- Madhepura. At Present Residing at Village Morkahi Ward No.11, P.s.- Murliganj, Dist.- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ravi Shankar Kumar Son of Upendra Prasad Yadav Resident of Village - House No.455, Income Tax Colony, Pritampura, North West Delhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Dinesh Prasad Verma
For the Opposite Party/s :	Mr.Ram Sumiran Rai
	Mr.Pawan Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 01-08-2022 At the outset, learned counsel for the petitioners submits that during pendency of this petition, petitioner no. 1 died and as such, he seeks permission to withdraw this petition, so far as petitioner no. 1 is concerned.

Accordingly, in respect of petitioner no. 1, this anticipatory bail petition is dismissed as withdrawn.

Heard learned counsel for the parties.

Petitioner no. 2 apprehends his arrest in a case registered for the offence under Sections 120B, 417, 468 of the Indian Penal Code.



As per the prosecution case, the complainant paid Rs. 12,00,000/- (twelve lacs), as total consideration amount, to the petitioners for execution of certain land, but later on, the complainant came to know that part of the land do not belong to these petitioners and thereafter, the complainant requested to return the additional amount of land, which does not belong to petitioner, but they did not return and ultimately, the present case has been filed.

It is submitted on behalf of petitioner that entire consideration money of Rs. 12,00,000/- was taken by Tuntun Devi and land in question was also executed by her. This petitioner has been made accused merely because he is husband of Tuntun Devi and witness to the sale-deed. It is further submitted that petitioner has got no concern with the alleged land transaction. Dispute is civil in nature arising out of land transaction between the contesting parties. Petitioner has got clean antecedent.

However, learned counsel for the informant vehemently opposed the bail petition and submitted that petitioner is husband of co-accused Tuntun Devi.

Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest/surrender



within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Madhepura in connection with Complaint Case No. 240 of 2020 (Madhepura), subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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