

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10812 of 2022

Arising Out of PS. Case No.-116 Year-2021 Thana- BUXAR District- Buxar

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1. SHIV PRASAD MISHRA son of Sita Ram Mishra
 2. Mukesh Mishra Son of Shiv Prasad Mishra
 3. Sidheswar Mishra @ Rishikesh Mishra Son of Shiv Prasad Mishra
All Resident of Village- Madhukarpur, P.S. - Dinara, District - Rohtas.
- Petitioner/s

Versus

1. The State of Bihar
2. Rameshwar Lal, S/O Durga Lal

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ajit Kumar, Advocate
For the Opposite Party/s :	Mr. Sunil Kumar Pandey, A.P.P.
For the Informant :	Mr. N.K. Agrawal, Sr. Advocate
	Mr. Abhash, Advocate
	Mr. Raju Kumar, Advocate
	Mr. Pradhan Murli Manohar Pd, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 06-09-2022 Heard learned counsel for the petitioners, learned Senior Counsel for the informant and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of four weeks.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and even petitioner no. 1, who is a retired teacher, aged about 90 years, has also not



been spared by the informant and he has been falsely implicated in the present case only with a view to coerce the entire family members into submission for a civil dispute. Learned counsel for the petitioners, at the outset, submits that a dispute, which is purely civil in nature, has been given a color of a criminal case only to harass the petitioners. Learned counsel further submits that if the sale deed has not been executed by the petitioners after accepting money then the remedy is not a criminal case but a court of competent jurisdiction where a direction can be issued upon the petitioners to execute the sale deed when money was taken by way of consideration for purchase of land only.

Learned A.P.P. for the State and the learned Senior Counsel for the informant opposed the prayer for anticipatory bail of the petitioners but are not able to meet the submission of the learned counsel for the petitioners that the dispute is civil for which the appropriate remedy is before the learned civil court.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.2,000/- (Rupees Two 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 Buxar Town P.S. Case No. 116 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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