

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31268 of 2021

Arising Out of PS. Case No.-433 Year-2019 Thana- MUNGER COMPLAINT CASE
District- Munger

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1. Renu Devi W/O Late Satyanarayan Prasad R/O Hakim Devi Prasad Road, At Mohalla- Mandroja, P.S-Tatarpur, District-Bhagalpur.
 2. Rakesh Kumar Singh S/O Late Satyanarayan Prasad R/O Hakim Devi Prasad Road, At Mohalla- Mandroja, P.S-Tatarpur, District-Bhagalpur.
 3. Manav Kumar Singh S/O Late Satyanarayan Prasad R/O Hakim Devi Prasad Road, At Mohalla- Mandroja, P.S-Tatarpur, District-Bhagalpur.
 4. Manoj Kumar Singh S/O Late Satyanarayan Prasad R/O Hakim Devi Prasad Road, At Mohalla- Mandroja, P.S-Tatarpur, District-Bhagalpur.
 5. Nidhi Kumari D/O Late Satyanarayan Prasad R/O Hakim Devi Prasad Road, At Mohalla- Mandroja, P.S-Tatarpur, District-Bhagalpur.
 6. Nisha Devi @ Nisha Kumari W/O Shri Ganesh Kumar And D/O Late Satyanarayan Prasad R/O Mohalla-Paris Lane Eastern Lohanipur, P.S-Kadamkuan, District-Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate
		Ms. Preety Kunwar, Advocate
For the Opposite Party/s	:	Mr. Surya Kumar Sah

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

9 15-11-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in

a case registered for the offences punishable under

Sections 379, 406, 420, 34 of the Indian Penal Code.

The prosecution case as per complaint petition



is that an agreement was made between the mother of the complainant and accused persons for development of a residential complex over the land of the petitioners and the work was started on the settled condition of 50-50 share of both the parties. On completion of construction work of residential premises, the intention of accused became dishonest and they started to talk with the parties for sale the premises without consent of the complainant's mother. The mother of the complainant had invested Rs. 55,70,000/- in the construction of the premises and she died in shock of breach of agreement. Hence, the present complaint.

It is submitted by learned counsel for the petitioners that the dispute relates to the breach of agreement, money claim, civil in nature. Hence, the matter was referred to the Mediation Centre for amicably settling the dispute. In the Mediation Centre, the petitioners had offered the complainant to settle the dispute on payment of Rs. 20 lakhs. However, the



complainant claimed that an amount of Rs. 48,70,000/- has been spent in making construction over the land of the petitioners. Hence, the mediation failed.

It is submitted by learned counsel for the petitioners that petitioners are still ready to pay Rs. 20 lakhs to the complainant, subject to final outcome of the case.

Learned counsel appearing on behalf of the complainant, however claims that Rs. 55,70,000/- was spent on construction of the building over the land of the petitioners but she accepts the offer of the petitioners.

The petitioners are directed to submit a bank draft of Rs. 20,00,000/- (Twenty Lakhs) drawn in favour of the complainant before learned Court below within a period of six weeks from today. The learned Court below is directed to hand over the bank draft to the complainant after proper verification.

The aforesaid payment will be subject to the final outcome of the case.



In the facts and circumstance of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger in connection with Complaint Case No. 433 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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