

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30986 of 2021

Arising Out of PS. Case No.-264 Year-2020 Thana- KATIHAR MUFFASIL District- Katihar

1. RAVI KUMAR SHARMA Son of Late Yamuna Prasad Sharma Resident of Mohalla - Indra Nagar, Laliyahi, P.S.- Sahayak, District - Katihar.
2. Bidhu Ratan Sharma @ Ratan Kumar Sharma Son of Late Yamuna Prasad Sharma Resident of Mohalla - Indra Nagar, Laliyahi, P.S.- Sahayak, District - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Md. Mustak Son of Noor Mohammad R/v - Garbhaili, P.S.- Muffasil, Dist.- Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar
For the Opposite Party/s : Mr.Ashok Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

7 23-08-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest for the offences alleged under Sections 420 and 406 of the Indian Penal Code, registered in connection with Katihar Muffasil P.S.Case No. 264 of 2020.

As per allegation, the petitioner Ravi Kmar Sharma



entered into an agreement with the informant for purchase of 03 acres and 29 decimals of land. The consideration money to be paid was Rs. 25 lakhs. The informant paid Rs. 12,51,000/- on 6th of April, 2019 and the rest amount was to be paid at the time of execution of the sale deed. When the informant requested the petitioner Ravi Kumar Sharma to execute the sale deed, he denied and asked the informant that now he has to pay Rs. 35,00,000/-.

The learned counsel for the petitioners has submitted that said petitioner never entered into any agreement with the informant. He has submitted further that the informant, prior to lodging of the present case, has got two sale deeds executed in his name by impersonating the brother of petitioner no.1.

From bare perusal of the FIR the allegation is that said petitioner did not execute sale deed despite the fact that he received Rs. 12,51,000/-. It is a case of civil nature and ultimate remedy lies in the civil court.

Considering the above facts and circumstances, especially the clean antecedent of the petitioners, let them above-named, in the event of their arrest or surrender within four weeks from the date of communication of this order, be released on bail on furnishing bail bond of Rs. 10,000/-(ten



thousand) each, with two sureties of the like amount each to the satisfaction of Sri Amit Gaurav, learned Judicial Magistrate 1st Class, Katihar in connection with Katihar Mufassil P.S. Case No. 264 of 2020, subject to the conditions as laid down under Section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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