

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57076 of 2021

Arising Out of PS. Case No.-215 Year-2020 Thana- BARHIYA District- Lakhisarai

1. LAXMI PRASAD SINGH @ LAKSHAMI PRASAD SINGH Son of Late Banarsi Prasad Singh Resident of Village - Barahiya, Ward No.- 10, P.S.- Barahiya, Distt.- Lakhisarai.
2. Rajesh Kumar Son of Sri Laxmi Prasad Singh @ Lakshami Prasad Singh Resident of Village - Barahiya, Ward No.- 10, P.S.- Barahiya, Distt.- Lakhisarai.
3. Kumar Purushottam @ Purushottam Son of Sri Rajendra Singh @ Rajendra Pd. Singh Resident of Village - Bihta, P.S. and Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jai Prakash Verma
For the Informant	:	Mr. Nilendu Kumar Choubey
		Mr. Manish Kumar No. 2
		Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 05-09-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as the learned counsel for the informant.

At the very outset, the learned counsel for the petitioners has submitted that vide order dated 20.12.2021, this anticipatory bail petition with respect to petitioner no. 2 was dismissed as infructuous.



So far as petitioner nos. 1 and 3 are concerned, they apprehend their arrest in connection with Barahiya P.S. Case No. 215 of 2020 registered for offence punishable under sections 406 and 420 of the Indian Penal Code.

As per allegation, a deed of mortgage with conditional sale was executed by petitioner no. 1 in favour of the informant for consideration money of Rs. 9,02,000/- and after execution of that deed, the son of the petitioner has also taken Rs. 1,69,000/- from the informant, but neither the money was returned nor the sale deed was executed.

The learned counsel for the petitioner has submitted that the entire money was refunded to the informant, to which the learned counsel for the informant has submitted that the document, whereby the money is said to be returned is forged one. The learned counsel for the petitioner has submitted further that the informant has filed title suit for recovery of that amount.

It appears to be a matter of civil dispute and ultimate remedy lies in the civil court of competent jurisdiction.

Considering the above-mentioned facts and circumstances, **let petitioner nos. 1 and 3**, in the event of their arrest or surrender, within four weeks from today, **be released on bail** on furnishing bail bonds of Rs.10,000/- each with two



sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisaria in connection with Barahiya P.S. Case No. 215 of 2020, subject to condition 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 mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Mahesh/Nirmal

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