

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9291 of 2023

Arising Out of PS. Case No.-123 Year-2022 Thana- MOHAMMADPUR District- Gopalganj

1. Basist Kumar Pandey @ Bashishtha Kumar Pandey Son Of Late Gautam Pandey Resident Of Village - Mahammadpur, P.S.- Mahammadpur, District - Gopalganj.
2. Satyendra Pandey Son of Late Gautam Pandey Resident of village - Mahammadpur, P.S.- Mahammadpur, District - Gopalganj.

... .. Petitioners

Versus

1. The State of Bihar
2. Pushpa Devi Wife of Rajan Prasad Resident of Village and P.S.- Mahammadpur, District - Gopalganj.

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Uday Kumar Singh, Advocate
For the Opposite Party : Mr.Bharat Bhushan, App, 156

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-06-2023 Heard learned counsel for the petitioners, the State and the opposite party no.2.

Petitioners apprehend arrest in a case registered for the offence punishable under sections 406/420/34 and other ancillary sections of the Indian Penal Code.

As per the prosecution case, the petitioners, despite taking consideration money, neither executed sale deed nor refunded the consideration money to the opposite party no.2.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Opposite party no.2 has not brought on record any chit of paper to substantiate the alleged payment to



the petitioners. Besides this, dispute is out and out of a civil nature.

Learned counsel for the State as well as the opposite party no.2 oppose the prayer for bail. Learned counsel for opposite party no.2 submits that aforesaid transaction is supported by an agreement entered into by the parties.

Considering the aforesaid facts of the case, prayer for bail of all the petitioners is allowed. In the event of arrest/surrender within six weeks from today, let these petitioners, mentioned above, be enlarged 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 Additional Chief Judicial Magistrate VII, Gopalganj in Mahammadpur Police Station Case No. 123 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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