

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5815 of 2020

Arising Out of PS. Case No.-255 Year-2019 Thana- TATARPUR District- Bhagalpur

1. SHYAM CHOUDHARY Son of Late Terni Choudhary Resident of Mohalla Parbatti Labbu Pasi Lane Near Bishahri Sthan, P.S.- University, Distt- Bhagalour
2. Raj Kumar Choudhary S/o Late Terni Choudhary Resident of Mohalla Parbatti Labbu Pasi Lane Near Bishahri Sthan, P.S.- University, Distt- Bhagalour
3. Geeta Devi W/o Shyam Choudhary Resident of Mohalla Parbatti Labbu Pasi Lane Near Bishahri Sthan, P.S.- University, Distt- Bhagalour
4. Suraj Kumar Son of Shyam Choudhary Resident of Mohalla Parbatti Labbu Pasi Lane Near Bishahri Sthan, P.S.- University, Distt- Bhagalour

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rukmani Devi W/o Gulzari Mandal Resident of Mohalla Parbatti Labbu Pasi Lane Near Bishahri Sthan, P.S.- University, Distt- Bhagalour

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

10 26-06-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406, 420, 504 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that an agreement for sale was entered between the



informant and the petitioner in the year 2018 for which an amount of Rs. 10,60,000/- was paid to the petitioner by the informant but the land was not registered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and from perusal of Annexure '3' it would manifest that the petitioner had returned the entire amount which he had received from the informant in lieu of the agreement for sale and thus there was absolutely no occasion for the petitioner to act in accordance with the sale deed.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners and the learned counsel for the informant submits that the said amount which was returned by the petitioner to the informant was with respect to a different agreement which was executed in between the parties in the year 2017 and the amount which the petitioner received in the year 2018 in pursuance of the agreement entered was never returned.

Learned counsel for the petitioners rebuts the submission of the learned counsel for the informant and submits that the submission is in air and if what has been submitted by the learned counsel for the informant is true then definitely the



said allegation would have been part of the FIR.

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. 10,000/- (Rupees Ten 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 Tatarpur (Vishwavidyalaya) P.S. Case No. 255 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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