

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19903 of 2023

Arising Out of PS. Case No.-965 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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1. SONU KUMAR @ MUKESH KUMAR S/O BINOD KUMAR @ BINOD RAI R/V- Makhdumpur, P.S.- Danapur, District- Patna
 2. MONU KUMAR @ ABINASH KUMAR S/O BINOD KUMAR @ BINOD RAI R/V- Makhdumpur, P.S.- Danapur, District- Patna
 3. KAMLESH KUMAR S/O SHAMA RAI R/V- SARAI, P.S.- SHAHPUR, DISTRICT- PATNA
 4. SHASHI KUMAR @ SHASHI SHEKHAR S/O VINAY KUMAR R/V- SAKARPURA, P.S.- MASAURHI, DISTRICT- PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. BIBI SALAHA KHATOON WIFE OF MURTAZA ANSARI VILL.- NASIRCHAK, P.O.- KHAGAUL, P.S.- DANAPUR, DISTT.- PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhu Nath Pathak, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 03-08-2023 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the complainant.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 120B, 420, 468 and 384/34 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.
4. The complainant alleges that she requested Puttu Kumar to return the original copy of the agreement executed in between them for sale of land of the complainant as described in



the complaint @ Rs.10 lakhs per Katha against which an advance of Rs.17 lakhs was taken by the complainant from Puttu Kumar. It is further alleged that since the said advance amount of Rs.17 lakhs was returned by the complainant through RTGS in the account of Puttu Kumar on 27.07.2022 as such on 28.07.2022 all the accused persons came and caught the son of the complainant Md. Naseem and made entry on the back side of the agreement for receiving an amount of Rs.1 crore 20 lakhs on different dates as detailed in the complaint.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the dispute is purely civil for which a criminal case has been instituted in order to coerce the petitioners into submission so that the complainant is not compelled to sell her land in favour of Puttu Kumar. It is next submitted that petitioners are not involved in the occurrence and being relative of Puttu Kumar have been implicated. It is also submitted that the dispute is in between Puttu Kumar and the complainant and in the event if the complainant is aggrieved by the fact that forcefully an amount of Rs.1 crore 20 lakhs has been recorded on the back side of the agreement then she is



legally not bound to sell the land and can prove the same before the Court of competent civil jurisdiction.

6. Learned A.P.P. for the State and the complainant opposed the prayer for anticipatory bail of the petitioners but are not in a position to rebut the submission of the learned counsel for the petitioners that the dispute is civil for which the complainant has remedy available in law before the Court of competent jurisdiction.

7. 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 Complaint Case No. 965(C) of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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