

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18151 of 2023

Arising Out of PS. Case No.-265 Year-2022 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

-
1. SUNITA DEVI WIFE OF SHASHI BHUSHAN JHA R/O VILLAGE-SHAMBHO, P.S.- SHAMBHO, DISTRICT- BEGUSARAI, PRESENTLY RESIDING AT VILLAGE- JAKARPURA, P.S.- SURYAGARHA, DISTRICT- LAKHISARAI
 2. KUMAR KUNDAN SON OF SHASHI BHUSHAN JHA R/O VILLAGE-SHAMBHO, P.S.- SHAMBHO, DISTRICT- BEGUSARAI, PRESENTLY RESIDING AT VILLAGE- JAKARPURA, P.S.- SURYAGARHA, DISTRICT- LAKHISARAI
 3. PRERNA KUMARI @ PREMA KUMARI WIFE OF KUMAR KUNDAN R/O VILLAGE- SHAMBHO, P.S.- SHAMBHO, DISTRICT- BEGUSARAI, PRESENTLY RESIDING AT VILLAGE- JAKARPURA, P.S.- SURYAGARHA, DISTRICT- LAKHISARAI

... .. Petitioner/s

Versus

1. The State of Bihar
2. MURARI KUMAR @ KUMAR MURARI SON OF KRISHNA BHUSHAN JHA R/O VILLAGE- SHAMBHO, P.S.- SHAMBHO, DISTRICT- BEGUSARAI, PRESENTLY RESIDING AT VILLAGE- JAKARPURA, P.S.- SURYAGARHA, DISTRICT- LAKHISARAI

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s :	Mr. Amitesh Kumar, A.P.P.
	Mr. Madhuresh Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 27-07-2023 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 420(b), 406, 420, 465, 467 and 471/34 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 credited an amount of Rs.2,60,000/- in the account of the petitioner no. 2 who is son of petitioner no. 1 for executing sale deed in respect of a land but now petitioner no. 1 is intending to sell the land to another person. It is further alleged that petitioner and the complainant are relatives.

5. Learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the dispute is civil to which a criminal colour has been given. It is further submitted that it is not in dispute that the amount was credited in the account of the petitioner no. 2 but then in terms of the agreement the full amount was not paid as such the amount credited in the account of petitioner no. 2 was forfeited. It is next submitted that since an agreement has been entered in between the parties as such the complainant has remedy available in law for seeking relief before an appropriate forum.

6. Learned A.P.P. for the State and learned counsel for 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 petitioner that an agreement was entered in between the petitioner and the complainant and thus



she has remedy available in law of getting the agreement executed.

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. 265C of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

