

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19002 of 2023

Arising Out of PS. Case No.-487 Year-2020 Thana- PATNA COMPLAINT CASE District-
Patna

-
-
1. RAJ KUMAR S/O LATE SURESH CHAUDHARY Resident of Village- Indrapuri, Road No.- 0, P.S.- Patliputra, District- Patna.
 2. PHULWANTI DEVI W/O RAJ KUMAR Resident of Village- Indrapuri, Road No.- 0, P.S.- Patliputra, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. ANITA DEVI W/O SRI NAND KISHORE SAH Resident of Village- Indrapuri, Road No.- 0, P.O.- Keshari Sah, P.S.- Patliputra, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs.Nivedita Nirvikar, Sr. Adv. Mr.Arya Achint, Adv.
For the Opposite Party/s :		Mr.Awadhesh Kumar Singh, APP Mr.Pranaya Shanker Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 3 11-07-2023 Heard learned Senior Counsel for the petitioners, learned
counsel for the complainant and learned APP for the State.

The petitioners apprehend their arrest in a case registered
for the offence punishable u/s 406 and 420 of the IPC.

As per the prosecution case, the petitioners entered into
an agreement for sale of his house with the complainant at the
rate of total Rs.12 Lakh, out of which Rs.4.40 Lakh has been
paid to the petitioners at the time of agreement and their son
Rahul Kumar has signed on the Baibeyana. It is alleged that
total Rs.8.50 Lakh has been paid to the petitioners till



07.08.2019 and it was decided that the remaining amount i.e. Rs.3.5 Lakh will be paid at the time of execution of the sale deed but after receiving Rs.8.50 Lakh the petitioners started evading execution of the sale deed.

It is submitted by learned Senior Counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. It is submitted that petitioners took money for marriage of their daughter and are ready to return the amount of Rs.3.75 Lakhs to the complainant. Petitioners have no criminal antecedent.

The petitioners are agreed to return the amount of Rs.3.75 Lakhs to the complainant within a period of two years.

Having regard to the facts and circumstances of the case and considering the statement made on behalf of the petitioners by learned Senior Counsel for the petitioners that petitioners will return Rs.3.75 Lakhs to the complainant, let the above named petitioners, be released on **provisional bail** for a period of two years from today, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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.487(C) of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

The provisional bail of the petitioners shall be confirmed by the learned court below itself on showing the receipt of return of Rs.3.75 Lakhs to the complainant within the stipulated period.

(Anjani Kumar Sharan, J)

pallavi/-

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

