

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29945 of 2023

Arising Out of PS. Case No.-310 Year-2022 Thana- KADAMKUAN District- Patna

1. Aayush Sahay S/O Late Dayanand Sahay R/O Mohalla- Kadamkuan Mathura Prasad Sinha Road, P.S- Kadamkuan, Distt.- Patna, At Present Residing At 987-A, Sector Ashiana Lucknow, P.O- L.D.A Colony, P.S- Lucknow, Distt.- Lucknow (UP.)
2. Smt. Ananya Sahay @ Ananya Pandey W/O Aayush Sahay R/O Mohalla- Kadamkuan Mathura Prasad Sinha Road, P.S- Kadamkuan, Distt.- Patna, At Present Residing At 987-A, Sector Ashiana Lucknow, P.O- L.D.A Colony, P.S- Lucknow, Distt.- Lucknow (UP.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Singh
For the Opposite Party/s : Mr. Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-07-2023 Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel for opposite party no.2.

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

As per the prosecution case, the petitioners have taken Rs. 50,00,000/- from the informant as consideration money out of the total Rs. 5,61,00,000/- and executed a sale deed agreement for land along with three buildings but earlier said property was sold by the accused to Ashok Kumar Gupta and informant dispossessed by the accused through anti-social



element.

Learned counsel for the petitioners submits petitioners are innocent and have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that the informant has failed to give rest of the consideration money to the petitioners in time. Moreover, the informant and her husband have clearly shown through these acts, their willingness and disinterest and as such the informant has failed to execute registry in their favour till 31.12.2019, failing the stipulated time period stated in the expiry dated of Bai-Beyana. He further submits there is title suit vide Title Suit No. 175 of 2022 is pending in the learned Court below. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State as well as learned counsel for the opposite party no. 2 opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case as well as it is a civil dispute between the parties, let the above named petitioners, be released on bail, 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 lower Court where the case is pending/successor Court in connection with Kadamkuan P.S. Case No.310 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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