

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39538 of 2023**

Arising Out of PS. Case No.-205 Year-2022 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. Chhotan Pasi @ Chhotan Prasad @ Chhottan Prasad (PASI) Son Of Late Bulbul Pasi @ Bulbul Prasad Resident Of Village- Chaudhari Tola, Near Bajrangbali Asthan Kabirpur, Ps- Nathnagar, Distt- Bhagalpur
 2. Niraj Kumar Son Of Chhotan Pasi @ Chhotan Prasad @ Chottan Prasad Resident Of Village- Chaudhari Tola, Near Bajrangbali Asthan Kabirpur, Ps- Nathnagar, Distt- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Babar Son Of Saeed Resident Of Village- Mohbali Chak, Imampur, Po And Ps- Habibpur, Distt- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tarun Prasad Mandal
For the Opposite Party/s : Mr.Lalan Kumar

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 13-12-2023 Heard learned counsel for the parties.

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

3. Allegation against petitioners is that after taking consideration money in advance, they did not execute sale-deed in favour of the complainant/opposite party no. 2.

4. It is submitted on behalf of petitioners that the dispute is purely of a civil nature. Petitioner have not cheated the complainant, rather they have executed five sale-deeds on



different dates on the instruction of the complainant. The details of the sale-deeds are as follows:-

(i) Sale deed No. 3619 dated 10.3.2021 with respect to 1.656 decimal land for Rs. 13,25,000/- executed in favour of Fatma Nushrat Jahan who happens to be sister-in-law (wife of brother-in-law of this petitioner).

(ii) Sale deed No. 4804 dated 01.07.2020 with respect to 1.656 decimal land in favour Sk.Nasim in which brother of the complainant namely Md. Tarikh is one of the identifier.

(iii) Sale deed No. 6984 dated 15.09.2020 with respect to 4.3768 decimal land executed in favour of Md. Faiyaz in which complainant himself is the identifier.

(iv) Sale deed No. 6977 dated 15.9.2020 with respect to 2.484 decimal land in favour of Sahjad Alam in which complainant himself is the identifier.

(v) Sale deed No. 4926 dated 24.3.2021 executed in favour of the complaint with respect to 3.573 decimal land.

5. Learned A.P.P. for the State has opposed the bail petition.

6. Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Bhagalpur in connection



with Complaint Case No. 205 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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