

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42669 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- SANDESH District- Bhojpur

1. GUPTESHWAR SINGH S/O LATE HARIJI SINGH R/O Village- Echari, P.S- Ayar, Distt.- Bhojpur.
2. Mahajani Devi @ Mahajana Devi W/O Sri Gupteshwar Singh R/O Village- Echari, P.S- Ayar, Distt.- Bhojpur.
3. Manoj Singh @ Manoj Kumar Singh S/O Sri Gupteshwar Singh R/O Village- Echari, P.S- Ayar, Distt.- Bhojpur.
4. Vimla Devi W/O Sri Manoj Singh @ Manoj Kumar Singh R/O Village- Echari, P.S- Ayar, Distt.- Bhojpur.
5. Amit Singh @ Amit Kumar Singh @ Amit Kumar S/O Sri Dinesh Singh R/O Village- Echari, P.S- Ayar, Distt.- Bhojpur.
6. Sanjeev Kumar Singh @ Sanjeev Kumar S/O Sri Manoj Singh @ Manoj Kumar Singh R/O Village- Echari, P.S- Ayar, Distt.- Bhojpur.
7. Sachin Singh @ Sachin Kumar S/O Sri Manoj Singh @ Manoj Kumar Singh R/O Village- Echari, P.S- Ayar, Distt.- Bhojpur.
8. Ajay Singh @ Ajay Kumar Singh S/O Sri Baksish Singh R/O Village and P.S- Udwanthnagar, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indra Bhushan Tiwary, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 01-08-2023 1. Learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail with respect to petitioner nos. 3 and 7.
2. Permission is accorded.
3. Accordingly, the prayer for anticipatory bail with respect to petitioner nos. 3 and 7 is dismissed as withdrawn.
4. Heard learned counsel for the petitioner nos. 1, 2,



4, 5, 6 and 8 and learned A.P.P. for the State.

5. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406, 420, 504 and 506/34 of the Indian Penal Code.

6. Learned counsel for the petitioners submits that rest of the petitioners are persons with clean antecedent.

7. The informant alleges that Manoj Singh came and proposed to purchase land which was in the name of his wife (Vimla Devi) for a consideration amount of Rs.25 lakhs thereafter the informant paid the said amount to different petitioners but they failed to keep their promise and when the informant asked to return the amount the same was refused and he was threatened.

8. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is further submitted that the informant has concealed his relationship with Vimla Devi, wife of Manoj Singh. It is next submitted that informant is cousin brother of Vimla Devi and Vimla Devi has one sister, namely, Indra Devi and the property in question which was to be sold is in the name of her mother Jaleshwari Devi. It is also submitted that it is not in dispute that the informant intended to purchase the property which was in



the name of his cousin sister Vimla Devi but he has not paid Rs.25 lakhs as alleged in the FIR rather has paid Rs.19,97,000/- to different petitioners. It is further submitted that the informant got the property of Vimla Devi also executed to Indra Devi by a sale deed as such it was the informant who cheated the wife of Manoj Singh. It is next submitted that the petitioners do not dispute that petitioners had received an amount of Rs.19,97,000/- but then the sale deed has been executed with respect to the property of Vimla Devi even by Indra Devi in favour of the informant. It is thus submitted that the dispute is civil in nature and if the informant is aggrieved he has remedy available in law.

9. Learned A.P.P. for the State and learned counsel for the informant 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 informant deliberately concealed his relationship with Vimla Devi and that a sale deed has been executed by Indra Devi in which the property of Vimla Devi also figures.

10. Considering the submissions made by the learned counsel for the petitioner nos. 1, 2, 4, 5, 6 and 8, the petitioner nos. 1, 2, 4, 5, 6 and 8 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.5,000/- (Rupees 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 Sandesh P.S. Case No. 28 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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