

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39087 of 2023

Arising Out of PS. Case No.-3412 Year-2022 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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1. PREM NARAYAN UPADHYAY Son of Late Ramadhar Upadhyay Resident of village - Upadhyay Sagar, P.S. - Ramgarh, Distt. - Kaimur at Bhabhua
 2. Sonu Upadhyay Son of Prem Narayan Upadhyay Resident of village - Upadhyay Sagar, P.S. - Ramgarh, Distt. - Kaimur at Bhabhua

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anil Upadhyay Son of Vijay Kant Upadhyay Resident of village - Upadhyay Sagar, P.s. - Ramgarh, Distt. - Kaimur at Bhabhua

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh

For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-07-2023

1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Complaint Case No. 3412 of 2022 dated 20.01.2023 registered under Sections 323, 341, 379, 420, 406, 392 of the IPC and Section 27 of the Arms Act.

3. As per the allegation made in the complaint petition, the complainant had paid a sum of Rs. 1,34,000/-



to the petitioners as consideration amount for sale of a piece of land in favour of the complainant by the petitioners pertaining to Mauza- Sijua, Khata No. 246, Khesra No. 2413, area 5.5 decimal and another land of Mauja – Upadhyay Sagar, Khata No. 25, Plot No. 92, area 1 ¼ decimal but despite several request the petitioners did not execute the sale deed for the land in question. It has further been alleged that out of Rs. 1,34,000/-; Rs. 69,000/- was paid by the complainant by way of cheque and Rs. Rs. 65,000/- in cash.

4. Learned counsel for the petitioners submits that petitioners have not committed any offence in the manner alleged and the fact of the matter is that it was the petitioners who had entered into an oral agreement with the complainant for purchase of a piece of land from him for a total consideration amount of Rs. 12 Lakh, out of which the petitioners had paid a sum of Rs. 4 Lakh to the complainant, however, the complainant did not execute the sale deed in favour of the petitioners and in order to save himself from returning the advance amount received from the petitioners, the complainant has lodged the present complaint after lapse of so many years. He further submits that without



prejudice to the right and contention of the petitioners and subject to the final result of the case, the petitioners shall deposit a sum of Rs. 69,000/- in the court below as a condition for bail.

5. Regard being had to the submissions made by the parties and taking into consideration the submission advanced by learned counsel for the petitioners, I am inclined to grant anticipatory bail to the petitioners subject to deposit of Rs. 69,000/- in the court below.

6. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M., Mohaniya, Kaimur at Bhabhua in connection with Complaint Case No. 3412 of 2022 subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further condition that petitioners shall deposit a sum of Rs. 69,000/- in the Court below subject to final outcome of the case.

7. It is made clear the amount deposited by the pe-



titioners shall be kept by the Nazir in interest bearing instrument.

(Anil Kumar Sinha, J)

praful/-

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