

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44686 of 2023

Arising Out of PS. Case No.-289 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

1. NILU KUMARI wife of Rajkumar Rai @ Rajkumar @ Raju R/O Village- Dighi Kala West PS - Hajipur Sadar Dist- Vaishali
2. KRISHNA PRASAD RAI @ KRISHNA PRASAD S/o- LATE PALTAN RAI R/O Village- Dighi Kala West PS - Hajipur Sadar Dist- Vaishali
3. RAJKUMAR RAI @ RAJKUMAR @ RAJU son of Krishna Prasad Rai @ Krishna Prasad R/O Village- Dighi Kala West PS - Hajipur Sadar Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-07-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

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

3. Learned counsel for the petitioners submits that petitioner no. 1 is a person with clean antecedent and is a woman, petitioner no. 2 has antecedent of one case and petitioner no. 3 has antecedent of three case.

4. The informant alleges that he talked with Sahil Kumar @ Prince, Rajkumar @ Raju, Krishna Prasad Rai, Nilu Kumari and Gyani Rai for purchasing a piece of land. Further an



agreement for sale was executed and an amount of Rs.12 lakhs was received by the accused persons but they refused to execute the sale deed on the pretext that as per government rate Rs.20,55,000/- more was required thereafter the said amount was also paid and the accused persons came to the Registry Office and after signing the document fled away. It is further alleged that they did not return the money nor execute the sale deed and later the informant came to know that the land was disputed.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is further submitted that though it is alleged that an amount of Rs.5 lakhs was paid to the petitioner no. 1 but then it has been specifically asserted and stated at para 12 of the anticipatory bail application that the said amount was received by the petitioner no. 1 from one Shiv Shankar Vastral and in support of the same bank statement is annexed as Annexure-3 to the anticipatory bail application. It is next submitted that as far as petitioner nos. 2 and 3 are concerned, no specific allegation is alleged against them except that they also conspired in the occurrence. It is also submitted that the agreement for sale was entered in between the informant and Sahil Kumar @ Prince who is not the petitioner



before this Court. It is further submitted that the dispute is purely civil in nature and if the informant is aggrieved by the act of the accused persons he has remedy available in law.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners 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.10,000/- (Rupees Ten 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 Hajipur Sadar P.S. Case No. 289 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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