

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46597 of 2022

Arising Out of PS. Case No.-506 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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1. MD. SONU @ SONU Son of Late Khurshid Alam Marhoom Resident of Kauwwal Toli Kachahari Mohalla, Phulwari Sharif, P.S- Phulwari Sharif, Dist- Patna
 2. Md. Adil Son of Late Khurshid Alam Marhoom Resident of Kauwwal Toli Kachahari Mohalla, Phulwari Sharif, P.S- Phulwari Sharif, Dist- Patna
 3. Md. Farooq Alam Son of Late Khurshid Alam Marhoom Resident of Kauwwal Toli Kachahari Mohalla, Phulwari Sharif, P.S- Phulwari Sharif, Dist- Patna
 4. Md. Firdaus Alam @ Firdos Alam Son of Late Khurshid Alam Marhoom Resident of Kauwwal Toli Kachahari Mohalla, Phulwari Sharif, P.S- Phulwari Sharif, Dist- Patna
 5. Md. Saif Alam Son of Late Khurshid Alam Marhoom Resident of Kauwwal Toli Kachahari Mohalla, Phulwari Sharif, P.S- Phulwari Sharif, Dist- Patna
 6. Nazra Khatoon Daughter of Late Khurshid Alam Marhoom Resident of Kauwwal Toli Kachahari Mohalla, Phulwari Sharif, P.S- Phulwari Sharif, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vidyanand Singh Son of Late Pragash Singh R/v- Ashopur, P.S- Danapur, Dist- Patna 801105

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Shama Sinha, Adv.
For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP
Mr.Bindeshwar Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 02-05-2023 Heard learned counsel for the petitioners, learned counsel
for the complainant and learned APP for the State.

Petitioners apprehend their arrest in connection with
Complaint Case No.506(C)/2021, registered for the offence



punishable u/s 420, 120(B) of the IPC.

As per the prosecution case, the complainant alleged to have paid Rs.25 Lakhs to the accused persons (petitioners) for purchase of six katha of land but the accused executed sale deed of 2 Katha only and started demanding rate of Rs.12.5 Lakh per katha, in place of Rs.4,16,666.60/- which was agreed earlier and executed sale deed of balance land in favour of different persons.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to the land dispute. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. It is submitted that the complainant sent a legal notice, filed the complaint case and also filed a Title Suit No.160/2021 for pressurizing the petitioners to claim on the other part of the petitioner's land. It is further submitted that it is a purely civil dispute between the parties. Petitioner nos.1, 4, 5 and 6 have no criminal antecedent and petitioner nos.2 and 3 have one and two criminal antecedent respectively.

Learned APP for the State as well as learned counsel for



the complainant opposed the prayer for bail by submitting that in the complaint petition, it is mentioned that the complainant has filed a Title Suit in the learned Court below for the Specific Performance Act.

Having regard to the facts and circumstances of the case, since there is a civil litigation 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 court below where the case is pending/Successor Court in connection with Complaint Case No.506(C) of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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