

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52274 of 2023

Arising Out of PS. Case No.-1701 Year-2020 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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1. UDAY KUMAR SINGH SON OF LATE RAJDHARI SINGH RESIDENT OF VILLAGE- REOTITH BASWARIYA TOLA PS BAIKUNTHPUR DIST- GOPALGANJ
 2. UMESH KUMAR SINGH SON OF LATE RAM BACHAN SINGH RESIDENT OF VILLAGE- REOTITH BASWARIYA TOLA PS BAIKUNTHPUR DIST- GOPALGANJ
 3. AMIT KUMAR SINGH @ AMIT KUMAR
 4. SARBJEET KUMAR SINGH,
BOTH SON OF UMESH KUMAR SINGH RESIDENT OF VILLAGE-
REOTITH BASWARIYA TOLA PS BAIKUNTHPUR DIST- GOPALGANJ

... .. Petitioner/s

Versus

1. The State of Bihar
2. MOST. KALAWATI DEVI WIFE OF LATE KRISHNA NAND SINGH
RESIDENT OF VILLAGE- REOTITH BASWARIYA TOLA PS
BAIKUNTHPUR DIST- GOPALGANJ

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms.Vagisha Pragya Vacaknavi
For the State	:	Mr.Jharkhandi Upadhyay
For the O. P. No. 2	:	Mr. Setu Prateek

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 2 | 19-08-2023 | <ol style="list-style-type: none">1. Heard learned Counsel for the petitioners, learned Counsel for the complainant-Opposite Party No. 2 and learned Additional Public Prosecutor for the State.2. This application, for grant of anticipatory bail, arises out of Complaint Case No. 1701 of 2020, in which cognizance has been taken for the offences punishable under Section 406 of the Indian Penal Code.3. The prosecution case, as per the complaint filed by the complainant, is that the complainant agreed to sell a piece |
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of land to petitioner nos. 1 and 2 for a total consideration amount of Rs. 19,10,000/-, out of which Rs. 2,50,000/- was paid by the petitioners and assured her that the rest amount will be deposited by them in the fixed deposit scheme in her name and on that assurance, the complainant executed two sale deeds in favour of the petitioner nos. 1 and 2. It has been alleged that when the complainant demanded the rest amount, the petitioners refused to pay the same.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. She further submits that both the parties are co-sharers and the complainant herself appeared before the Registrar and admitted that she has received the entire consideration amount. She further submits that the sale deeds have been executed in favour of petitioner nos. 1 and 2 only; whereas the petitioner nos. 3 and 4 are the sons of petitioner no. 2 and there is no allegation levelled against them. She further submits that the complainant, till date, has not filed any case for cancellation of the sale deeds, in question. She further submits that the present sale deeds have been executed on



03.09.2020 and on 14.10.2020, the son of the complainant has also executed a sale deed in favour of petitioner no. 1.

5. On the other hand, learned Counsel for the complainant opposes the prayer for anticipatory bail and submits that the complainant is 80 years old lady and since the petitioners are the agnates, they allured the complainant that they will get the rest amount of the consideration money deposited in fixed deposit scheme, and get the sale deeds executed.
6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that both the parties are agnates and the complainant appeared before the Registrar and admitted that she has received the entire consideration amount before execution of the sale deeds, I am inclined to grant the petitioners privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioners, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned



Judicial Magistrate, 1st Class, Gopalganj, in connection
with Complaint Case No. 1701 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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