

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55224 of 2022

Arising Out of PS. Case No.-619 Year-2022 Thana- PURNIA COMPLAINT CASE District-
Purnia

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1. Sunil Rishi, Son of Late Hira Rishi, R/O Village- Ashbagh, Jora Gumati, P.S.- Sadar, Distt.- Purnea
 2. Sonu Rishi, Son of Late Surendra Rishi, R/O Village- Ashbagh, Jora Gumati, P.S.- Sadar, Distt.- Purnea
 3. Sanjay Uraon, Son of Late Rajendra Uraon, R/O Village- Ashbagh, Jora Gumati, P.S.- Sadar, Distt.- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Panna Lal Uraon, Son Of Gaya Uraon, R/O Village- Ashbagh, Jora Gumati, P.S.- Sadar, Distt.- Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Bidhu Ranjan, Advocate
For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 23-01-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 323, 420 and 406 of the Indian Penal Code.

As per the prosecution case, the petitioners got executed sale deed of land pertaining 8 decimal and 4 *kattha* in their names



without paying consideration money at the tune of Rs. 9,56,000/- to the complainant. These petitioners assured the complainant that they would give the consideration money of the said land in his house but the petitioners did not pay the consideration money.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. He has further submitted that the sale deed of the said land executed in the name of petitioner no. 1 Sunil Rishi on 12.02.2022. The complainant has already taken the consideration money and also made signature by him which is mentioned at page-3 of the petition. The petitioner no. 2 and 3 are witnesses of the sale deed. There is general and omnibus allegation against the petitioners. The petitioners have got clean antecedent as stated in para 3 of the bail petition. Learned counsel for the petitioners placed reliance on the judgment in the case of **Bimla Tiwari vs. State of Bihar and others (Special Leave Petition (CRL.) Nos. 834-835 of 2023)** at para 10, the Hon'ble apex court has held that "we would reiterate that the process of criminal law cannot be utilised for arm-twisting and money recovery, particularly while opposing the prayer for bail."

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances of the



case, let the above named petitioners, in the event of their arrest/ surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bonds of Rs. 20,000/-(Twenty Thousand)each with two sureties of the like amount each to the satisfaction of Court concerned, Purnea in connection with Complaint Case No. 619 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

1. The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of their bail bond.

(Chandra Prakash Singh, J)

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