

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79370 of 2023

Arising Out of PS. Case No.-1220 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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1. UTTAM KUMAR Son of Late Umesh Prasad @ Umesh Prasad Sah R/o Mohalla - Dina Sah Lane, Narendra Bhawan, Ajanta Cinema, P.s. - Tilkamanjhi, Distt. - Bhagalpur (Bihar)
 2. Uday Kumar Son of Late Umesh Prasad @ Umesh Prasad Sah R/o Mohalla - Dina Sah Lane, Narendra Bhawan, Ajanta Cinema, P.s. - Tilkamanjhi, Distt. - Bhagalpur (Bihar)
 3. Uddesh Kumar Son of Late Umesh Prasad @ Umesh Prasad Sah R/o Mohalla - Dina Sah Lane, Narendra Bhawan, Ajanta Cinema, P.s. - Tilkamanjhi, Distt. - Bhagalpur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Jha

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-12-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406/ 420/ 341/323/506/34 of the Indian Penal Code.

3. As per F.I.R., the agreement of sale of the land measuring 62 Kattha for the various Khesra for the consideration amount of Rs. 5,51,000,00/- and the informant paid Rs. 1,00,000,00/- out of the said consideration amount to the owner of the land through the check and cash. It is further



alleged that the informant requested several times for registering of the land and also got the legal notice tendered but they did not respond. The petitioners are selling the land to the others keeping the informant in dark.

4. It is submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. Petitioners have got one criminal antecedent mentioned in Para 3 of the bail application in which they are on bail. Petitioners. He further submits that petitioners have registered four sale deeds to the different vendees and the informant is the eye-witnessed to the four deeds. He further submits that the informant has filed a Civil Suit for a decree of specific performance of contract, bearing Title Suit No. 16 of 2023 in the Court of Sub-Judge (Senior Division), Kahalgaon on 17.01.2023 and the petitioners have also appeared through his counsel. He further submits that it is a pure civil dispute between the parties.

5. Learned APP for the State opposes the prayer of bail application.

5. Having regard to the facts and circumstances of the case and also it is a pure civil dispute between the parties, let the above named petitioners, be released on bail, in the event of their arrest, 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 learned Court below where the case is pending/ successor Court in connection with Kotwali (Tilkamanjhi) P.S. Case No. 1220 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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