

Arising Out of PS. Case No.-409 Year-2023 Thana- OBRA District- Aurangabad

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- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Mukul Kumari, adv
For the Opposite Party/s : Mr.Ram Anurag Singh
Mr. Akhilesh Kumar Pandey, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 05-08-2024 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 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and informant is own uncle of the petitioners. It is also submitted that informant intended to purchase certain properties of the petitioners for which the family of the petitioners had initially agreed to sell the property in question for an amount of Rs. 27 lakh, thereafter informant paid an amount of Rs. 27 lakh to the petitioners and



their family members. It is next submitted that out of 27 lakh, Rs. 7 lakh each was credited in the account of the petitioners and rest 13 lakh was credited in the account of Om Prakash, who is father of the petitioners. It is further submitted that after receiving the amount, the informant came in possession of the property but then sale deed was not executed as rest of the family members of the petitioners did not agree for selling the land along with the house.

4. Learned counsel for the petitioners submits that the case was earlier taken up on 2-4-2024 and the case was referred for mediation but then the mediation failed. It is next submitted that petitioners do not dispute that they have received an amount of Rs. 27 lakhs and they are even willing to return the amount for which a cheque also has been brought to the Court today, but then submits that if petitioners will return the amount, the informant has to vacate the premises of which he is in possession.

5. The learned counsel for the petitioners also submits that petitioners assure this Court that in the event if the informant vacates the premises in that event they will return his amount of Rs. 27 lakhs.

6. Learned counsel for the petitioners draws the



attention of the Court to order dated 2-7-2024 wherein it is recorded that " petitioners are willing to repay the amount of Rs. 27 lakh credited in their account by the informant, but as far as interest is concerned, it is submitted that informant is in possession of the property and is staying in the house, further the petitioners will bring a draft of Rs. 27 lakh in the name of the informant" and thereafter the case was directed to be put up on 22-7-2024. It is next submitted that on 22-7-2024, the case was taken up and it was directed to be put up on 5-8-2024 and today the petitioners have brought a cheque of Rs. 27 lakh.

7. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant oppose the prayer for anticipatory bail of the petitioners but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that petitioners are willing to repay the amount of Rs. 27 lakh to the informant with a condition that he will have to vacate the premises of which he is in possession.

8. At this stage, learned counsel appearing on behalf of the petitioners again submits that petitioners will repay the amount of Rs. 27 lakh provided the informant vacates the premises.

9. Be that as it may, considering the submissions



made by the learned counsel for the parties, the petitioners above-named, in the event of their arrest or surrender before the learned trial court 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 trial court where the case is pending/successor court in connection with Obra P.S. Case No. 409 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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