

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27883 of 2024

Arising Out of PS. Case No.-427 Year-2023 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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1. VISHNU SHANKAR RAY SON OF LATE RAMESHRAYA RAY
RESIDENT OF VILLAGE- ARAILA, PS- DUMRAON, DIST- BUXAR
 2. ABHISHEK KUMAR RAY SON OF VISHNU SHANKAR RAY
RESIDENT OF VILLAGE- ARAILA, PS- DUMRAON, DIST- BUXAR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SHASHI RANJAN CHAUDHARY SON OF LATE VIJAY CHAUDHARY
RESIDENT OF VILLAGE- ANAND NAGAR, GALI NO. 3, PS- ARA
NAGAR, DIST- BHOJPUR

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Rajani Ranjan Pd. Singh, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For Opposite Party No.2	:	Mr. Gopal Govind Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 20-08-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a complaint case registered for the offence punishable under Sections 417, 420, 406 and 504 of the Indian Penal Code.

3. As per prosecution case, these petitioners failed to execute sale deed in favour of complainant in respect of a property for which Rs. 62,00,000/- through R.T.G.S. and N.E.F.T. was paid by the complainant, and also refused to refund the amount.

4. Learned counsel appearing on behalf of the petitioners denies the prosecution case and submits that



petitioners are middle men in the transaction. As a matter of fact, the property in question belongs to one Baban Pandey and his brothers and they have already sold the property in name of mother of complainant by registered sale deed bearing Sale Deed No. 13040 dated 17.08.2022. It is further submitted that dispute between the parties is with regard to sale and purchase of property, which is purely civil in nature and none of the acts allegedly committed by these petitioners would give rise to any criminal liability. However, at this stage, without admitting their guilt, the petitioners are ready to deposit an amount of Rs. 43,00,000/- (Rupees forty-three lacs only), in easy installments.

5. Considering the aforesaid facts and circumstances, prayer for grant of anticipatory bail to the petitioners is allowed.

6. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Bhojpur at Ara, in connection with Complaint Case No. 427(c) of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, along with the following terms and conditions:



- A. At the time of furnishing bail-bond **Rs. 10,00,000/-** (Rupees ten lacs) shall be deposited through cash in the *Nazarat* of the Civil Court, Bhojpur at Ara.
- B. Rest amount i.e. **Rs. 33,00,000/-** (Rupees thirty-three lacs) shall be deposited in the *Nazarat* of Civil Court, Bhojpur at Ara, in equal monthly installments within a period of one year from the date of furnishing bail-bond.
- C. The aforesaid payment shall be subject to the final outcome of the case.
- D. If petitioners fail to comply the aforesaid direction of this Court, the Court below is free to cancel the bail-bond of the petitioners.

7. It is made clear that without going into the merit of the case, the aforesaid order has been passed only for the purpose of grant of bail.

(Prabhat Kumar Singh, J)

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