

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39308 of 2023

Arising Out of PS. Case No.-21 Year-2007 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. RANJAY THAKUR SON OF LATE PASHUPATI THAKUR@
PASHUPATI NATH THAKUR VILLAGE- MAKKHACHAK, POLICE
STATION- BAKHARI, DISTRICT -BEGUSARAI
 2. VIBHA DEVI WIFE OF RANJAY THAKUR VILLAGE-
MAKKHACHAK, POLICE STATION- BAKHARI, DISTRICT
-BEGUSARAI

... .. Petitioner/s

Versus

1. The State of Bihar
2. SAURABH KUMAR @ PHULEN SON OF LATE SUKHDEO
CHAUDHARY RESIDENT OF VILLAGE- MAKHACHAK, P.S.
BAKHRI, DIST.- BEGUSARAI

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prem Kumar
For the Opposite Party/s : Mr. Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 04-04-2024 1. Heard learned counsel for the petitioners and
learned APP for the State along with learned counsel appearing
on behalf of the O.P. No. 2.

2. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 420, 406,
323, 427 and 504 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the
petitioners have antecedent of one case and have been falsely
implicated in the present case by the complainant. It is next
submitted that a purely civil dispute has been given a criminal



colour. It is next submitted that the complainant alleges that he paid an amount of Rs. 40,000/- to the petitioners in lieu of consideration amount of Rs. 70,000/- which was fixed for purchasing a piece of land but then the petitioners did not sell the land to the complainant and thus misappropriated Rs. 40,000/-.

4. The learned counsel for the petitioners further submits that the complainant has also filed Title Suit No. 03 of 2007 in the Court of learned Sub-Judge, Begusarai. It is next submitted that petitioners have appeared in the case and is contesting the claims of the complainant. It is next submitted that in the event if the complainant loses the title suit whether it would be prudent for this Court to send the petitioners to jail at this stage.

5. Learned A.P.P. for the State along with learned counsel appearing on behalf of the O.P. No. 2 opposes the prayer for anticipatory bail of the petitioners but then are not in a position to rebut the submissions of the learned counsel for the petitioners that a title suit has been filed before a Court of competent jurisdiction for specific performance of contract.

6. Considering the submissions made by the learned counsel for the petitioners, 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) 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 Complaint Case No. 21 of 2007 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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