

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35871 of 2024

Arising Out of PS. Case No.-716 Year-2023 Thana- RUPASPUR District- Patna

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1. Chunnu Kumar son of Late Prameshwar Singh R/O Village- Near Pharmacy College, Dhanaut PS - Rupaspur Dist- Patna
 2. Priti Kumari @ Priti Singh wife of Chunnu Kumar R/O Village- Near Pharmacy College, Dhanaut PS - Rupaspur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Mumtaz Uddin, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

4 03-10-2024

1. Heard learned counsel for the petitioners, learned A.P.P.

for the State and learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 406, 420, 506/34, 467, 468 and 120B of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioner no. 1, being the land owner, has been falsely implicated in the instant case by the informant who is purchaser of the land in dispute from Sunita Devi and Santosh Kumar. It is further submitted that petitioner no. 2 is wife of petitioner no. 1.

4. Learned counsel for the petitioners submits that in sum and substance, the allegation is that the informant alleges that Sunita Devi made her believe that she had purchased the land in question



from Chunnu Kumar (petitioner no. 1) and thus was entitled to sell the land, hence, the informant being convinced paid the consideration amount as detailed in the FIR based on which the sale deed was executed but when the informant went on the land for constructing boundary when the same was demolished and thereafter she started inquiry when she came to know that the land in question belongs to petitioner no. 1 and he never sold the land in question to Sunita Devi as would manifest from the allegation as alleged in the FIR itself.

5. Learned counsel for the petitioners submits that a buyer has to be aware that what he or she is purchasing. It is further submitted that since price of the land in Bihar and particularly in Patna has sky rocketed as such the land grabbers are involved in committing this type of fraud. Learned counsel next submits that when the informant came to know that the land in question belongs to the petitioner no. 1 as such in order to coerce him into submission has alleged in the FIR that brokerage of Rs.1.5 lakhs each was also given to the petitioners. It is also submitted that it absolutely does not stand to reason that if informant was aware that the land has been sold by petitioner no. 1 in favour of Sunita Devi why would he have charged brokerage. This amply demonstrates that petitioners have been implicated only with a view to coerce them into submission.

6. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioners but then are not in a position to



rebut the submissions of the learned counsel appearing on behalf of the petitioners that the land belongs to petitioner no. 1 and he never sold it to Sunita Devi and in the FIR also it has been mentioned that informant on inquiry came to know that petitioner no. 1 had never sold the land which she has purchased.

7. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below 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 court below where the case is pending/successor court in connection with Rupaspur P.S. Case No. 716 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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