

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43981 of 2024

Arising Out of PS. Case No.-85 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Arjun Prasad Son of Late Sukund Mahto Resident of Mohalla - Bari Pahari, P.S. - Agamkuan, District - Patna.
 2. Upendra Kumar @ Upendra Prasad Son of Late Sukund Mahto Resident of Mohalla - Bari Pahari, P.S. - Agamkuan, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Pushpa Kumari Daughter of Sri Rajendra Mahto Resident of Mohalla - Bari Patan Devi, P.S.- Alamganj, District - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shyamal Prakash, Adv.
For the Opposite Party/s	:	Md. Aslam Ansari, APP Mr. Abhay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel for the opposite party
No. 2.

2. The petitioners apprehend their arrest in connection
with Complaint Case No. 85 of 2017 registered under Sections
406, 420 and 34 of the Indian Penal Code.

3. As per complaint case, complainant/O.P. No. 2 entered
into an agreement to sell property with these petitioners, for
which she gave Rs. 2 lakh to them, and the stipulated time fixed
for execution of sale deed was 11 months. On 31.08.2014, Rs.
16,000/- was also taken by these petitioners. Despite taking



consideration money, petitioners did not execute the sale deed in favour of the complainant.

4. Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and have falsely been implicated in the present case due to malafide intention. Further submission is that complainant has already received Rs. 2 lakh from the petitioners and to this extent, she wrote in her own hand writing with her signature on the back of the agreement to sell dated 13.02.2014 (Annexure-P/2 to the bail petition). Moreover, the dispute between the parties is purely civil in nature. Petitioners claim clean antecedent.

5. Learned A.P.P. appearing on behalf of the State opposed the bail application and submits that petitioners are named in the First Information Report. There is specific allegation of assault against these petitioners.

6. Having considered the aforesaid facts and circumstances of the case, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, on furnishing bail-bonds of Rs. 10,000 (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate-I, Patna City, Patna in connection with



Complaint Case No. 85 of 2017, subject to the conditions as laid
down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Singh, J)

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