

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44067 of 2024

Arising Out of PS. Case No.-112 Year-2024 Thana- MOUZAHDIPUR District- Bhagalpur

1. KALYANI DEVI W/O- MR. RANJAN YADAV VILLAGE- ALIGANJ GANGTI, P.S.- BABARGANJ, DISTT.- BHAGALPUR
2. RANJAN YADAV SON OF LATE ARJUN PRASAD VILLAGE- ALIGANJ GANGTI, P.S.- BABARGANJ, DISTT.- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vaishnavi Singh, Advocate Mr. Ajay Kumar Thakur , Advocate
For the Opposite Party/s :		Mr. Narendra Kumar Singh, APP
For the informant	:	Amit Kumar , Advocate Anil Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 07-08-2024 Heard learned counsel for the petitioners, informant and the State .

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 406, 420, 467, 468 and 471 of the Indian Penal Code .

3 . As per FIR, the petitioner executed an agreement to sell on 05.10.2018 in favour of the informant to purchase a property of four Katha land at Rs. 8 Lacs per Katha, i.e., a total of Rs. 32,00,000/-, which were to be paid within one month after that document of ownership will be executed. Payment of Rs. 5 Lacs was given through check and cash. After that,



petitioner no. 1 was again induced to purchase the remaining property, and a second agreement to sell was executed on 19.07.2019, and Rs. 2 lakhs cash was paid. A sale deed was executed on 10.07.2019, and Rs. Rs.38,65,665/- was paid by way of cash, cheques, and other means to the petitioners. When *Sonali Priyanka* went to the contruction boundary wall, she was told by the police that a Title Suit No. 126/2010 is pending in the Court, this fact has been concealed by the petitioner. When money was demanded, accused persons refused to return the same .

4. It is submitted on behalf of the petitioners that the petitioners are innocent and has falsely been implicated in this case . From bare perusal of the F.I.R., it is apparent that dispute involved in this case is primarily a dispute of civil nature and with respect to sale and purchase of land between the parties. Even if the allegation are accepted to be true , these petitioners cannot be said to have committed any offence of cheating or criminal breach of trust.

5. Learned counsel for the State and informant opposed the bail petition and submitted that even after taking consideration money of Rs. 32 lakhs , petitioners refused to execute sale deed and thus cheated the informant and committed



criminal breach of trust.

6 Considering the aforesaid facts and circumstances of the case , in the event of arrest or surrender within six weeks from today , let the petitioners, as named above, 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 the learned Chief Judicial Magistrate Bhagalpur in connection with Mozahidpur (Babarganj) P.S. Case No. 112 of 2024 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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