

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53243 of 2024

Arising Out of PS. Case No.-2532 Year-2018 Thana- COMPLAINT CASE District- Araria

1. Manisha Kumari, wife of Pankaj Kumar Gupta Resaident of village- Araria, R S ward no 04, Om Shanti road, Ps- Araria R S, Dist- Araria
2. Pankaj Kumar Gupta, son of Suresh Prasad Gupta Resaident of village- Araria, R S ward no 04, Om Shanti road, Ps- Araria R S, Dist- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nirodh Gupta, son of Late Durga Prasad Gupta Village- Bochi W.No-5, Ps Dist- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jharkhandi Upadhyay
		Mr. Shashi Dhar Jha
For the Opposite Party/s	:	Ms. Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-08-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 420, 406, 467, 468, 471, 504 of the Indian Penal Code, but cognizance was taken under Sections 420 and 504 of the I.P.C.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner no.1 is a woman and the informant alleges that Manisha Kumari (petitioner no.1) had purchased land as detailed in the complaint



from Rupesh Kumar Vishwash in the Year 2006. Further, Rupesh had executed sale deed in favour of petitioner no.1 concealing the fact that he has five sisters, who also had share in the purchased land of petitioner no.1 and sister of Rupesh have filed mutation appeal. It is further alleged that petitioner no.1 sold the same land to the complainant being aware of the fact that in the land even Rupesh's sisters have share. Further, the land was sold for an amount of Rs.2,21,000/- on 29.01.2018, but the complainant had paid an amount of Rs.3,60,000/- through cheque, as such, the petitioner no.1 again entered into an agreement for sale with regard to her land at Araria, but later petitioner no.2 resiled from selling the land to the complainant. Further, at the time of measurement of the land, a fight broke out. It is next alleged that petitioners are now refusing to return the money, which was given to them. Further, process under Section 82 of the Cr.P.C. has been issued.

4. The learned counsel for the petitioners submits that petitioner no.1 sold her land which she had purchased from Rupesh. It is further submitted that the mutation appeal filed by the sisters of Rupesh stands dismissed by an order dated 12.07.2018 by the D.C.L.R. (Annexure-2). It is next submitted that petitioner no.1 is a Teacher and has been falsely implicated



in the instant case. It is next submitted that no doubt, process under Section 82 Cr.P.C. has been issued against the petitioners on 07.02.2023 for which petitioners filed A.B.P. No.1319 of 2024, which was rejected on 21.06.2024. It is also submitted that the dispute is purely civil to which a criminal colour has been given.

5. Learned A.P.P. opposes the anticipatory bail application and submits that the case is of the Year 2018 and the process under Section 82 Cr.P.C. was issued on 17.02.2023 and the petitioners approached the learned District Judge in the Year 2024, as such, the petitioners are not entitled for the privilege of anticipatory bail.

6. At this stage, the learned counsel appearing on behalf of the petitioners submits that the dispute is purely civil to which a criminal colour has been given and petitioner no.1 is a Teacher and in the event, if she is sent to judicial custody, her entire career would get jeopardized, but the learned counsel appearing on behalf of the petitioners realizing his difficulties seeks permission to withdraw the instant anticipatory bail application.

7. Permission is accorded.

8. Accordingly, instant petition is dismissed as



withdrawn.

9. However, in the event, if the petitioners surrender on or before 09.09.2024, the learned trial Court shall dispose of the case on the same day keeping in mind the fact that the dispute is civil to which a criminal colour has been given.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

