

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56767 of 2023

Arising Out of PS. Case No.-674 Year-2022 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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1. SHIROMANI DEVI @ SUNITA DEVI WIFE OF LATE CHUNCHUN SHARMA RESIDENT OF VILLAGE - AAWAS BOARD, RANKO, P.S. - MUFFASIL DISTRICT - KHAGARIA
 2. AMIT SHARMA SON OF LATE CHUNCHUN SHARMA RESIDENT OF VILLAGE - AAWAS BOARD, RANKO, P.S. - MUFFASIL DISTRICT - KHAGARIA
 3. NITISH KUMAR SON OF LATE CHUNCHUN SHARMA RESIDENT OF VILLAGE - AAWAS BOARD, RANKO, P.S. - MUFFASIL DISTRICT - KHAGARIA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR PATNA
2. BABITA DEVI WIFE OF LALO TANTI RESIDENT OF VILLAGE - GADHMOHNI, P.S. - GOGARI, DISTRICT - KHAGARIA

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjay Kumar Sinha
For the Opposite Party/s :	Mr. Chandra Bhushan Prasad
	Mr. Nirbhay Prashant

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 16-01-2024 Heard the parties.

2. Learned counsel for the O.P. No.2 filed a detailed counter-affidavit in the Court. Let the same be accepted and kept on record.

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

4. The allegation against the petitioners is that they took



Rs.5 Lakhs from the complainant in order to register a land in favour of the complainant but later on denied to do so. It is further alleged that when the complainant asked to return her money, the petitioner nos.2 and 3 assaulted her by means of lathi and snatched Rs.2500/- from her.

5. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that the petitioner no.1 sold one katha of land to the complainant through the registered sale deed at the consideration money of Rs.15,000/- only and she is ready to return the said amount to the complainant. Petitioners have no criminal antecedent.

6. Learned APP for the State as well as learned counsel for the O.P. No.2 opposed the prayer for anticipatory bail. It is submitted by the learned counsel for the O.P. No.2 in his counter-affidavit that the report of *Halka Karamchari* also appreciates the fact that the land in question is in the nature of *Gairmajurua Aam* and the petitioners have played fraud with the O.P. No.2 for obtaining Rs.5 Lakhs.



7. Having regard to the facts and circumstances of the case as the petitioner no.1 is ready to return Rs.15,000/- to the O.P. No.2 and also considering that there is general and omnibus allegation against the petitioner nos.2 and 3, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Complaint Case No.674C of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. However, the bail bond of the petitioner no.1 shall be accepted by the learned Court below only after verifying that she has returned the amount of Rs.15,000/- to the O.P. No.2.

(Anjani Kumar Sharan, J)

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