

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.78647 of 2023

Arising Out of PS. Case No.-922 Year-2023 Thana- KHAJANCHI HAT District- Purnia

1. SRI NIRMAL KUMAR SAHAY @ NIRMAL KUMAR SAHAY @ NIRMAL SAHAY son of Late Jaleshwar Prasad Mohalla- Srinagar Hata Shrinagar Hata Near Bachcha Jail Ps- K. Hat Dist- Purnea
2. Kiran Sahay wife of Nirmal Kumar Sahay @ Nirmal Sahay Mohalla- Srinagar Hata Shrinagar Hata Near Bachcha Jail Ps- K. Hat Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 4 31-07-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of K. Hat Police Station Case No. 922 of 2023, dated 05.08.2023, disclosing offences punishable under Sections 406/420/120-B/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that an agreement for sale was executed with respect to the land situated in Khata No. 120, Khesra No.543, having an area of 6.5 decimals and land at Khata No. 114, Khesra No. 239, having an area of 1.6 decimals, at mauza



Abdulla Nagar, Purnea, between the petitioners and the informant for a total consideration amount of Rs. 1,12,500,00/-. The informant alleged that the total consideration amount of Rs. 1,12,500,00/- was paid to the petitioners by way of RTGS and cash. The sale deed was executed by petitioner no. 2 in favour of the informant, vide sale deed no. 3877, dated 24.02.2023, and when the informant went for mutation of the land, the same was refused on the ground that the land is disputed and in Title Suit No. 79 of 1983, decree has been passed in favour of one Anirudha Prasad Yadav.

4. Learned Counsel for the petitioners submits that the petitioners are the owner of the land, which was purchased in the year 1992 from one Brij Nandan Singh. Since then, the petitioners are in possession and title of the land and bonafidely sold the same for a valuable consideration in favour of the informant. The petitioners were not aware about the pendency of the Title Suit No. 79 of 1983 for the subject land and statement in this regard has been made in paragraph 22 of this application. He further submits that there was no intention on the part of the petitioners to deceive and dupe the informant and



from perusal of the First Information Report, it would be evident that out of Rs. 1,12,50,000/- the petitioners has refunded a sum of Rs. 49,00,000/- to the informant and the petitioners are ready to refund the balance amount of 41,27,785/-, if the land in question is returned by way of a valid document in favour of the petitioners. The informant is in possession of the land, in question. The Police investigated the matter and submitted a final form, not sending the petitioners for trial.

5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the materials on record and the fact that the police, after investigation, has submitted final form, not sending the petitioners for trial, I am inclined to grant the petitioners privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released 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 learned Chief Judicial Magistrate, Purnea,



in connection with K. Hat Police Station Case No. 922 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Raj Ranjan/-

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