

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79075 of 2024

Arising Out of PS. Case No.-107 Year-2022 Thana- SOHSARAI District- Nalanda

1. Ram Bachan Das Son of Late Bhukhal Das Resident of Village - Imadpur, P.S - Biharsharif, District - Nalanda
2. Ram Jatan Das Son of Late Bhukhal Das Resident of Village - Imadpur, P.S - Biharsharif, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-12-2024 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 Sohsarai Police Station Case No. 107 of 2022, disclosing offences under Sections 420, 406 and 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the complainant-cum-informant agreed to purchase the double storey house of the petitioners, situated at Khata No. 476, Khesra No. 1481 having an area of 1.5625 decimals, for a total consideration of amount of Rs. 14 lakhs. Altogether Rs.12,50,000/- was paid by the informant to the petitioners and



when the petitioners refused to execute the deed, thereafter, a Panchayati was held on 16.08.2019 in which the petitioners agreed to return Rs. 13,50,000/- amount to the informant out of which only Rs. 50,000/- was returned and the rest amount was not paid.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in the present case, the allegation made in the FIR-cum-complaint gave rise to civil dispute. However, police gave advantage of Section 41(A) of Cr.P.C. during the course of investigation and the petitioners co-operated with the police in the investigation. Now, the charge-sheet has been submitted and the petitioners have apprehension that if they surrender, they might be taken into custody.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the petitioners were given advantage of Section 41(A) of the Cr.P.C. during the course of investigation and they co-operated in the police investigation, 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 four



weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate VIth, Nalanda, in connection with Sohsarai Police Station Case No. 107 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Jyoti Kumari/-

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