

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81761 of 2023

Arising Out of PS. Case No.-250 Year-2023 Thana- MUFFASIL District- Aurangabad

1. Dharakshan Yadav S/O Late Basudev Yadav R/O Village- Chandauli, P.S- Aurangabad, Distt.- Aurangabad (Bihar).
2. Arvind Kumar S/O Dharakshan Yadav R/O Village- Chandauli, P.S- Aurangabad, Distt.- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sunita Devi W/O Kamlesh Singh R/O Village- Suji Khurd, P.S- Dumariya, Distt.- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Pandey, Adv.
For the State	:	Mr. Dinesh Singh, APP
For the Informant	:	Mr. Pramendra Kr. Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 07-03-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Aurangabad (Muffasil) P.S. Case No. 250 of 2023 dated 12-06-2023, instituted for the offence punishable under Sections 341, 323, 504,420,120B,467 and 468 of the Indian Penal Code.

3. Prosecution case, in short, is that one Sunita Devi, who is the informant of this case, earlier filed a Complaint case on 22-03-2023, before the CJM Aurangabad vide Complaint Case No. 271 of 2023, which was ultimately, instituted as



Aurangabad (Mufassil) P. S. case No. 250 of 2023, alleging that she purchased two decimals of land from petitioner No. 1. Later on, she came to know that the land is mortgaged with Punjab National Bank and this fact was concealed by the petitioner No. 1.

4. The learned counsel for the petitioners submits that petitioners are innocent and they have been falsely implicated in this case. It is further submitted that petitioner No. 1 is the vendor of the sale deed dated 15-10-2018 whereas, petitioner No. 2 is the identifier of the sale deed. The present case has been lodged after five years of the execution of sale deed and there is no dispute with regard to the land in-question. It is next submitted that bald allegation is alleged with regard to said land that it was mortgaged by the petitioners and is vehemently denied. The dispute between the parties is predominantly civil in nature. Lastly, it is submitted that one criminal case is pending against the petitioners.

5. The learned counsel for the informant and learned APP for the State have vehemently opposed the prayer for bail. It is submitted that from the recital of the sale deed, it is apparent that the vendor has stated that the said land is free from all encumbrance. It is next submitted that the loan has been



taken by her from PNB Bank, but there is no document with regard to the said sanction of the loan amount.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Aurangabad (Muffasil) P.S. Case No. 250 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM Aurangabad, or appropriate Court below, subject to condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Khatim Reza, J)

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