

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81282 of 2024

Arising Out of PS. Case No.-500 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Pushpa Devi W/O Lakshman Sharma R/O Village- Ramnagar Diyara, Satya Bhaiya Tola, Karari, Kachhar, P.S- Athmalgola, Distt.- Patna.
 2. Sharvan Kumar @ Chhotu S/O Lakshaman Sharma R/O Village- Ramnagar Diyara, Satya Bhaiya Tola, Karari, Kachhar, P.S- Athmalgola, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manoj Kumar S/O Ramashray Singh R/O Village- Nanda Bigha, P.S- Harnaut, Distt.- Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap
For the Opposite Party/s : Mr. Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 13-12-2024 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the informant.

2. The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Complaint Case No. C-500 of 2022 instituted for the offence under Sections 323, 379, 420, 504 of the Indian Penal Code.

3. The case of the prosecution based on complaint petition is that the complainant had a talk with Ram Babu Pal regarding transfer of one *kattha* land in Rs.14,51,000/-. It is further submitted that on 13.03.2021, Rs. 12,06,400/- was



handed over to Pushpa Devi, Laxman Sharma and before other witnesses. Rest consideration amount was to be paid at the time of registration of the deed. It is further alleged that the petitioners and others have neither executed the sale deed nor they returned the cash which they have taken from the complainant.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. They have falsely been implicated in this case. It is also submitted that consideration amount which has been received by the petitioners have already been returned in cash. It has also been argued that it is a contractual relation and the relief available to the complainant is that of civil nature. On perusal of the deed which have been executed between the parties, I find that there is a term that in case the petitioners do not execute the sale deed, the complainant will be at liberty to get the sale deed executed by the Court and only that is the relief which complainant should sought. It has also been argued that the complainant has also filed civil suit in this regard.

5. In contra, learned APP appearing for the State and learned counsel for the informant have opposed the prayer of bail of the petitioners.



6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Complaint Case No. C-500 of 2022, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sri Rajesh Baranwal, Judicial Magistrate, 1st Class, Barh, Patna subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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