

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84770 of 2023

Arising Out of PS. Case No.-606 Year-2022 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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1. Geeta Devi Wife Of Jay Lal @ Jay Narayan Yadav @ Jaylal Yadav R/o vill - Rampur, ward no. 08, P.s .- Murliganj, Distt. - Madhepura
 2. Raghu Yadav Son of Late Mahabir Yadav R/o vill - Rampur, ward no. 08, P.s .- Murliganj, Distt. - Madhepura

... .. Petitioners

Versus

1. The State of Bihar
2. Ratan Yadav @ Ratan Kumar Yadav Son of Shyamrath Yadav R/o vill - Sakarpura, ward no. 5, P.S. - Madhepura, Distt. - Madhepura

... .. Opposite Parties

Appearance :

For the Petitioners : Mr.Wasi Ahmad Khan, Advocate

For the Opposite Parties : Mr.Dr. Kumar Uday Pratap, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-04-2024 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offence punishable under sections 323, 406 and 420 of the Indian Penal Code.

3. As per the prosecution case, complainant filed a complaint on 18.11.2022 in respect of an occurrence dated 17.08.2022 to 15.11.2022 alleging that accused no. 1 has got 2 decimal 218 land through Kewala and accused no. 2 who is the husband of accused no. 1 is a witness on that Kewala. It has been further alleged by the complainant that accused no. 1 agreed to sale the land to the complainant for a consideration money of Rs. 11,84,500/- On 17.08.2022 an agreement was



executed between the parties and it was agreed that at present complainant will pay Rs. 8 Lacs 85 thousands to the accused persons and put their signature. It has been further alleged that when the complainant went to the accused persons with the rest money for executing sale deed then it was replied by the accused persons that they will execute sale deed in the next month. It has been alleged that on 11.11.2022 husband of the accused no. 1 got a Kewala executed after taking Rs. 1,79,750/- and said that since 10 dhur of land is in the name of accused no. 1, therefore she will execute the sale deed. It has been further alleged that the complainant on 15.11.2022 went to the house of accused no. 1, who lives with accused no. 2 where he was abused and they also refused to execute kewala.

4. It is submitted on behalf of the petitioners that these petitioners had no occasion to sale their lands to the complainant and ever taken the money as alleged by the complainant and they have not signed any agreement paper. The dispute is of civil nature. Complainant has filed this case due to previous enmity with the petitioners. Moreover, there is no allegation that these petitioners had any dishonest and fraudulent intention from the very beginning, as such, no offence of criminal breach of contract/agreement/promise is made out against them.



5. Considering the aforesaid facts of the case, prayer for bail of all the petitioners is allowed. In the event of arrest/surrender within six weeks from today, let these petitioners, mentioned above, be enlarged 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 Chief Judicial Magistrate, Madhepura in Complaint Case No. 606 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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