

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17609 of 2025

Arising Out of PS. Case No.-1046 Year-2024 Thana- SAHARSA SADAR District- Saharsa

1. Om Prakash Verma @ Om Prakash Lal Das S/O Late Anant Lal Das Resident of Village- Bangaon, ward No. 12/4, P.S.- Bangaon, Dist.- Saharsa
2. Raman Lal Das S/O Late Anant Lal Das Resident of Village- Bangaon, ward No. 12/4, P.S.- Bangaon, Dist.- Saharsa
3. Gita Devi W/O Suman Lal Das Resident of Village- Bangaon, ward No. 12/4, P.S.- Bangaon, Dist.- Saharsa
4. Archana Devi W/O Ashish Kumar Verma Resident of Village- Bangaon, ward No. 12/4, P.S.- Bangaon, Dist.- Saharsa
5. Amrita Kumari W/O Kundan Kumar Verma Resident of Village- Bangaon, ward No. 12/4, P.S.- Bangaon, Dist.- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saurabh Mishra Saurabh Mishra, S/o Sunil Chandra Mishra, R/o village Patuaha, P.S. - Saharsa, District - Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Ajit Ranjan Kumar, Advocate
For the State : Mr. Shantanu Kumar, APP
For Opposite Party No.2 : N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 23-06-2025 Heard learned counsel appearing on behalf of the petitioners and learned A.P.P. appearing on behalf of the State.

2. Despite valid service of notice, no one appears on behalf of informant/Opposite Party No. 2.

3. Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 406, 420, 386, 387, 463 and 34 of the Indian Penal Code.

4. As per prosecution case, it is alleged that despite



receiving advance of Rs. 35,00,000/- out of total consideration money of Rs. 65,00,000/- for selling a land measuring 3 kattha and 4 dhur, these petitioners did not execute sale deed in favour of informant and also refused to return the money.

5. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are quite innocent and have committed no offence. As a matter of fact, informant is a land broker and entered into an agreement of purchase with regard to the land in question with Petitioner Nos. 1 and 2 on 16.08.2023, copy of which is Annexure-P/2 to this bail application. It is further submitted that when the informant failed to fulfill the conditions of the aforesaid agreement, petitioners adjusted the advance money of the informant to another land brokers and informant executed a deed on 19.02.2024 regarding the adjustment of advance money on judicial stamp in the name of the petitioners and others duly signed by him. Moreover, the dispute is with regard to sale and purchase of land which is purely civil in nature. Petitioners claim clean antecedents.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.



7. Considering the nature of accusation and clean antecedents of the petitioners, the prayer for grant of anticipatory bail to the petitioners is allowed.

8. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioners 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 learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 1046 of 2024, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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