

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59741 of 2024

Arising Out of PS. Case No.-609 Year-2022 Thana- BUDDHACOLONY District- Patna

1. Dr. Gayanendra Yadav son of Late Awadh Bihari Yadav R/o- Brij Bihari Niwas Bakerganj Near B.N College Opp. Allahabad Bank Ps- Pirbahore, Dist- Patna
2. Shashank Shekhar son of Late Manoj Kumar Yadav R/o- Brij Bihari Niwas Bakerganj Near B.N College Opp. Allahabad Bank Ps- Pirbahore, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sheo Kumar s/o Late Parma Rai R/o -Moh- South Mandiri, p.o- G.P.O. Patna ,p.s. Budha colony Dist- patna

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Anuj Kumar, Advocate
For the State	:	Dr. Mrityunjaya Kr.Gautam, APP
For Opposite Party No.2	:	Mr. Kr. Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 16-01-2025 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 406, 420, 467, 468, 471, 506, 504 and 34 of the Indian Penal Code.

3. As per prosecution case, pursuant to an agreement between the parties it is alleged that the informant/Opposite Party No. 2 paid Rs. 1,94,00,000/- to these petitioners. It is alleged that despite receiving the consideration money, these petitioners refused to execute the land in favour of the informant/Opposite Party No. 2.



4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are innocent and have committed no offence. As a matter of fact, the present case has been lodged as a counter-blast to Budha Colony P.S. Case No. 206 of 2021. He further submits that in terms of the agreement between the parties, the informant/Opposite Party No. 2 was required to pay the entire amount within a certain period and he has failed to abide by the terms and conditions of the agreement. It is further submitted that in this regard the petitioners have also sent a legal notice to the informant/Opposite Party No. 2 on 28.03.2021. Moreover, the dispute is primarily of civil nature which relates to sale and purchase of land and for which the petitioners have already filed a title suit bearing Title Suit No. 219 of 2022 against the informant/Opposite Party No. 2 and others and the informant/Opposite Party No. 2 and others have also filed their written statement in the said title suit.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the informant/Opposite Party No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the petitioners and submitted that despite receiving consideration money, these petitioners refused to execute the sale deed in favour of the informant/Opposite Party



No. 2.

6. Considering the aforesaid facts and circumstances and nature of dispute involved, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. 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 C.J.M., Patna, in connection with Buddha Colony P.S. Case No. 609 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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