

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64217 of 2024

Arising Out of PS. Case No.-1008 Year-2024 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Yashoda Devi Wife of Saryug Prasad Resident of Sheikhpura, P.S. - Hawai Adda, District - Patna, at present Resident of Village - Ismailpur, Parsa Bazar, P.S. - Parsa Bazar, District - Patna
 2. Saryug Prasad Son of Late Heet Narayan Singh @ Bega Singh Resident of Sheikhpura, P.S. - Hawai Adda, District - Patna, at present Resident of Village - Ismailpur, Parsa Bazar, P.S. - Parsa Bazar, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Geet Govind Rajhans Son of Late Krishnadev Rajhans Resident of Village - Kumardih, Post - Gidhaur, P.S. - Khaira, District - Jamui, Pin Code - 811305 at present Resident of C/o. Arun Kumar, Mohalla - Sheikhpura, Near Kumar Body Builder Gairaj, Post Bhetnari College, P.S. - Hawai Adda, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Prasad, Advocate
For the Opposite Party/s : Dr. Indiwar Kumari, APP
For the O.P. No. 2 : Mr. Bijendra Pd. Sinha, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

- 5 01-05-2025 1. Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the opposite party no.
2.
2. The petitioners apprehend their arrest in



connection with Complaint Case no.1008C of 2024 registered under sections 406 and 417 of the Indian Penal Code.

3. As per complaint petition, the complainant states that the petitioners and the complainant entered into an agreement for sale of land in question and at the time of entering into the same, a total amount of Rs. 9 lakhs was paid by the complainant and the petitioners are neither executing the sale deed nor are returning the amount which has already been paid by the complainant.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case. By an earlier order dated 14.02.2025, the petitioners had expressed their willingness to get the sale deed executed, however, it is submitted on behalf of the petitioners that the petitioners are ready to return the amount which had already been received from the complainant. The petitioners are the senior citizens over 70 years of age and the agreement had been entered into by the petitioner no. 1 and the petitioner no. 2 who was the only signatory on the said agreement as a witness.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State and learned counsel for the opposite party no. 2.



6. At this stage, learned counsel for the petitioners makes an offer that Rs. 9 lakhs which was the consideration amount as indicated in the agreement to sale, would be returned to the opposite party no. 2. An amount of Rs. 2 lakhs would be deposited by the petitioners at the time of furnishing the bail bonds and the remaining amount of Rs. 7 lakhs would be deposited in the account of opposite party no. 2 within a period of five months from the date of furnishing of the bail bonds.

7. Taking into consideration the fact that the dispute is primarily civil in nature and the petitioners have also shown their *bona fide* by agreeing to return Rs. 9 lakhs to the opposite party no. 2 at the time of furnishing bail bonds, it is directed that the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Complaint Case no.1008C of 2024 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Patna, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

8. In case the petitioners violate the terms as agreed



by him in the present case, the opposite party no. 2 is at liberty to approach the learned Court below for cancellation of anticipatory bail of the petitioners.

(Soni Shrivastava, J)

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