

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 22918 of 2021**

Arising Out of PS. Case No.-127 Year-2020 Thana- DUMRAON District- Buxar

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1. Ramlal Goswami, aged about 44 years, Male, S/o Late Gauri Shankar Goswami
 2. Dharmshila Devi @ Savita Devi, aged about 35 years, wife of Ramlal Goswami.

Both resident of village- Badka Dhakaich, P.S.- Krishna Brahm, District-Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar with
Mr. Anil Kumar Roy, Advocates
For the State : Mr. Ram Sumiran Roy, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 03-08-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Manoj Kumar, learned counsel along with Mr. Anil Kumar Roy, learned counsel for the petitioners and Mr. Ram Sumiran Roy, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. Learned counsel for the petitioners submitted that he may be permitted to add alias name of petitioner no. 2 which is Savita Devi.

4. Prayer allowed.

5. Let necessary correction be made in the cause title



by learned counsel for the petitioners through *e*-mode by day-after-tomorrow.

6. The petitioners apprehend arrest in connection with Dumraon PS Case No. 127 of 2020 dated 15.04.2020, instituted under Sections 406, 420, 467, 468, 471, 448, 506/34 of the Indian Penal Code.

7. The allegation against the petitioners is that the informant, who is the cousin brother of petitioner no. 1, had bought land through the petitioner no. 1, but he was cheated, both with regard to the rates as also that the same piece of land being sold by the petitioners to two different persons.

8. Learned counsel for the petitioners submitted that in the FIR itself it has been stated that the informant had sold his land at a much higher price than the price he was paying for the land which he alleges to have been negotiated by the petitioner no. 1 for him. Further, it was submitted that all such dispute relating to money is a purely civil in nature for which criminal case is an abuse of the process of the Court. Learned counsel submitted that the informant, being the first cousin of the petitioner no. 1 and having sold his land, was very well aware of the ground realities and cannot take a stand that he was ignorant of what was the actual position. Further, it was submitted that



the petitioners have filed a supplementary affidavit in which a categorical stand has been taken on oath that the petitioners have not sold the same piece of land to two different persons. Learned counsel submitted that the petitioners are simple citizens being husband and wife and have no other criminal antecedent. It was submitted that had the allegation been correct, the other person aggrieved would also have filed a case and most importantly, neither any name of any person has been taken nor details of any document that the same piece of land was transferred to two persons, has been either mentioned or brought on record.

9. Learned APP submitted that the petitioners are alleged to have cheated the informant and have got the same piece of land registered in favour of two persons.

10. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in Dumrao PS Case No. 127 of 2020, subject to the conditions laid down in



Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioners, and (ii) that the petitioners shall cooperate with the Court and the police/prosecution. Failure to cooperate shall lead to cancellation of their bail bonds.

11. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

12. The petition stands disposed of in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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