

IN THE HIGH COURT OF JHARKHAND RANCHI

A. B. A. No. 3532 of 2012

1. Dulari Devi
2. Diwakar Singh Petitioners
Versus
The State of Jharkhand Opp. Party

CORAM: THE HON'BLE MR. JUSTICE PRASHANT KUMAR

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For the Petitioners : Mr. Kailash Prasad Deo
For the Opp. Party : Ms. Laxmi Murmu, A.P.P.
For the Informant : Mr. Mahesh Tewari

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2/31.10.2012 Anticipatory bail application filed by petitioners Dulari Devi and Diwakar Singh is moved by Sri Kailash Prasad Deo learned counsel for the petitioners and opposed by Ms. Laxmi Murmu learned Additional PP. and Sri Mahesh Tewari, learned counsel for the informant.

It is alleged that petitioners entered into an agreement with informant for sale of certain land and in lieu of that, they took advance of Rs. 24 lacs, but later on they refused to execute the sale deed and they also did not return the amount. It is also an admitted position that informant and his wife had filed a title suit bearing Title Suit No. 197 of 2012 for specific performance of contract which is still pending.

It is submitted by Sri Mahesh Tewari, learned counsel for the informant that petitioners had also entered into an agreement with other persons for sale of same land.

In view of the fact that petitioners had given advance of Rs. 24 lacs for purchase of a land on execution of a deed of agreement, in my view prima-facie offence under Section 420 of the Indian Penal Code is not made out.

Considering the aforesaid facts and circumstances, I allow this anticipatory bail application and direct the petitioners to surrender in the court below on or before 09th of November 2012 and in the event of their surrender, the learned court below is directed to enlarge them

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 Sri G.K. Tiwary, learned Judicial Magistrate, Deoghar in connection with P.C.R. Case No. 577 of 2012 corresponding to Deoghar (Kunda) P.S. Case No. 271 of 2012, G.R. No. 948 of 2012, subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Prashant Kumar, J.)

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