

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30735 of 2015

Arising Out of PS.Case No. -1634 Year- 2010 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Soni Kumari

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Verma

For the Opposite Party/s : Mr. Sangita Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 07-10-2015

Heard both sides.

The petitioner apprehends his arrest in complaint case no. 1634/2010, registered for the offences punishable under Section 406 and 420 of the Indian Penal Code.

The complainant alleged that the petitioner entered into an agreement with her for executing sale deed of land with regard to her share and the petitioner received advance of Rs. 30,000/-. The complainant also purchased stamp of Rs. 4,000/-. The deed was drafted, but the petitioner did not execute the sale deed.

Learned counsel for the petitioner submits that the allegation is false in fact, the petitioner received money of Rs. 30,000/- from the complainant as loan. He never agreed to execute any sale deed.

On the other hand, learned counsel for the complainant

submitted that the petitioner put signature on all the pages of the deed, but later on, he retracted from his words and did not execute the sale deed. On the face of the allegation made in the complaint petition it appears that it is a case of breach of contract and the proper remedy is suit for specific performance of contract.

Considering the facts aforesaid and the fact that the petitioner is a lady, the petitioner, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with complaint case no 1634/2010, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

Vinita/-

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