

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48162 of 2014

Arising Out of PS.Case No. -404 Year- 2014 Thana - KOTWALI District- BHAGALPUR

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1. Rajesh Mishra Son of Late Satyendra Mohan Mishra R/o Mohalla-
Kaligati Lane, Adampur, P.S.- Kotwali (Adampur), District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar

For the Opposite Party/s : Mr. Upendra Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 17-04-2015 Counter affidavit is filed on behalf of the informant.

Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

It would appear from perusal of the documents
available on the counter affidavit that prior to execution of
agreement for sale in favour of the informant, petitioner and his
other family members executed several agreements for sale in
respect of other person for the same land and furthermore,
petitioner received huge amount from the informant of the present
case.

Learned counsel for the petitioner submits that
petitioner is ready to return the amount which is said to have been

received by the petitioner through agreement for sale subject to condition that if petitioner is permitted to return the said amount in installments within one year from the date of his release.

Considering the facts and circumstances of the case as well as submissions of the parties, I am not inclined to release the petitioner on bail and hence, his prayer for bail in connection with Kotwali (Adampur) P.S. Case No. 404 of 2014 pending in the court of Chief Judicial Magistrate, Bhagalpur stands rejected.

However, it is made clear that if the petitioner prays before the learned court below for permission to return the above stated amount in installments of six months from the date of his release, the learned court below shall consider the above stated prayer of the petitioner and shall pass appropriate order in favour of the petitioner.

(Hemant Kumar Srivastava, J)

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