

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21464 of 2015

Arising Out of PS.Case No. -200 Year- 2015 Thana -NAWADA District- NAWADA

1. Gopal Prasad Vicky
2. Satyam Rupesh @ Raja Both S/O Late Jagdish Prasad R/O Mohalla -
Mirzapur, Station Road, Nawada, Present Address - Par Nawada, Gaya
Road, P.S. Nawada, District - Nawada

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.22024 of 2015

Arising Out of PS.Case No. -200 Year- 2015 Thana -NAWADA District- NAWADA

Mukesh Kumar S/O Arvind Kumar Resident of Mohalla Tanishk Jewelers,
Main Road Nawada, P.O. and Police Station Nawada, District Nawada
(Bihar).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.21464 of 2015)

For the Petitioners : Mr. Vishwajeet Singh, Advocate.

For the Opposite Party : Mr. Satyendra Pd.(App)

(In Cr.Misc. No.22024 of 2015)

For the Petitioner : Mr. Uday Kumar, Advocate.

For the Opposite Party : Mr. Zainul Abedin(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 13-05-2015 Heard both sides.

The petitioners apprehend their arrest in Nagar
(Nawada) P.S. Case No. 200 of 2015, registered for the offences
punishable under Sections 420, 406 and other Sections of the

Indian Penal Code.

The petitioners Gopal Prasad Vicky and Satyam Rupesh @ Raja are said to have entered into an agreement to sale their lands to the complainant. The petitioner Mukesh Kumar is purchaser from other two petitioners. The deed of agreement speaks that the petitioners Gopal Prasad Vicky and Satyam Rupesh @ Raja had agreed to execute the sale deed on receipt of consideration amount of Rs. 61,50,000/-, but when the sale deed was not executed the complainant filed Nawada P.S. Case No. 30 of 2015 under Sections 420, 406 and 34 of the Indian Penal Code. The petitioner Mukesh Kumar is not accused in that case. It is alleged that after lodging Nawada P.S. Case No. 30 of 2015, the petitioners Gopal Prasad Vicky and Satyam Rupesh @ Raja executed another deed to the complainant, but the same deed was not acted upon and that is why the present case has been filed.

Shri Om Prakash Pandey, learned counsel for the complainant has submitted that altogether the present case is lodged as fresh cause of action arose due to breach of contract.

On the face of allegation made in the complaint petition, it appears that the complainant has alleged breach of contract entered into between the two parties and the expeditious remedy is under civil jurisdictions to file specific performance of

contract or the money suit for recovery of the amount.

Considering the facts aforesaid, the petitioners above named, in the event of their 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, are directed to be enlarged 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 the learned Chief Judicial Magistrate, Nawada in connection with Nagar (Nawada) P.S. Case No. 200 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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