

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44590 of 2014

Arising Out of PS.Case No. -76 Year- 2014 Thana -DUMRA District- SITAMARHI

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BINOD KUMAR SON OF LATE NAGESHWAR MAHTO RESIDENT
OF VILLAGE / MOHALLA -TALKHAPUR DUMRA WARD NO. 5 OLD
NEW 4 PRESENTLY C/O PROF JITENDRA JHA WARD NO. 4 ROAD
NO. 2 BHISA ROAD DUMRA P.S. -DUMRA DISTRICT- SITAMARHI.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mr. Nirmal Kumar Sinha-3, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 08-04-2015

Heard learned counsel for the petitioner, learned

Additional Public Prosecutor assisted by learned counsel for the
complainant / informant.

There happens to be no controversy amongst the
parties with regard to receipt of payment of Rs.2,50,000/-(Rupees
Two Lacs Fifty Thousand) by the petitioner in lieu of earnest
money over a land which, the petitioner had agreed to sell in
favour of complainant however, subsequently refused.

Learned counsel for the petitioner fairly submits that
his client is ready to pay back the same. Furthermore, from the
order of the learned lower court the conduct of petitioner is found
duly exposed by having placement of two bank drafts one of
Rs.2,00,000/- and another of Rs.50,000/- however on account of
refusal at the end of complainant, the prayer was rejected.

The learned counsel for the complainant is ready to receive the amount subject to condition that the amount along with interest in terms of compound interest prevailing over deposit under nationalized bank is deposited in the account of complainant /informant bearing no.443511110000004. Learned counsel for the petitioner is ready on that very term.

In case, there happens to be deposit at the end of petitioner of Rs.2,50,000/-(Rupees Two Lacs Fifty Thousand) principal amount as well as the amount additionally incurred in terms of compound interest and a receipt is shown before the learned lower court then, in that event, petitioner Binod Kumar will be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No.76 of 2014 in the event of his arrest / surrender within four weeks subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Aditya Kumar Trivedi, J.)

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