

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41570 of 2015

Arising Out of PS.Case No. -118 Year- 2015 Thana -GHANSHYAMPUR District- DARBHANGA

Tun Tun Jha, son of Sri Jai Ram Jha, resident of village Bath, P.S.
Ghanshyampur, District Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kumar

For the Opposite Party/s : Mr. Anil Kr. Singh(App)

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 09-10-2015 Heard the learned counsel for the petitioner and the learned
counsel appearing on behalf of the informant.

The petitioner, Tun Tun Jha, apprehends his arrest in
Ghanshyampur P.S. Case No.118 of 2015 corresponding to G.R.
No.600 of 2015 registered for the offence punishable under Sections
406 and 420 IPC.

The FIR was lodged by the informant alleging that the petitioner
requested the informant to purchase land at Darbhanga at the rate of
Rs.13 lakh per Kattha and then the informant talked with his son who is
working in Delhi who arranged Rs. 1 lakh and the friend of the son of
informant transferred one lakh rupees in the account of the petitioner.
Subsequently, the petitioner neither executed any agreement nor agreed
to return the said amount to the informant and, therefore, this FIR was
lodged.

The learned counsel for the petitioner submitted that in fact the account in which the amount has been deposited is not bank account of the petitioner and even if there is any transaction of Rs.1 lakh between the petitioner and the informant, it is at best a case of civil dispute whether the petitioner is required to sell the property or not and that cannot be decided in this criminal proceeding.

On the other hand, the learned counsel appearing on behalf of the informant submitted that in the dispute of civil nature also, the petitioner cannot be observed for the criminal act committed by him. So far this objection of the learned counsel for the informant is concerned, it is a matter that may be decided at the time of final hearing of the criminal proceeding;

Considering the nature of allegation that the transaction was made for purchase the property, I direct the petitioner, named above, to surrender before the Court below within six weeks from today and on his so surrendering, the Court below is directed to release him on bail on furnishing bail bond of Rs. 5,000/- (Five Thousand only) with two sureties of the like amount each to the satisfaction of SDJM, Biraul, Darbhanga in connection with Ghanshyampur P.S. Case No.118 of 2015, subject to condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Sanjeev/-

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(Mungeshwar Sahoo, J)