

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52124 of 2014

Arising Out of PS.Case No. -53 Year- 2014 Thana -KHUTAUNA District- MADHUBANI

1. Raj Kumar Prasad,
2. Amit Kumar alias Raja

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi

For the Opposite Party/s : Mr. Narsing Tanti (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-01-2015

Heard learned counsels for the petitioners and the State.

The petitioners are languishing in custody since 4.8.2014 in a case registered for the offences punishable under Sections 406,420,467,468 and 504/34 of the Indian Penal Code.

The prosecution case is that the petitioner no. 1 took rupees nine lacs fifty one thousand as against the total consideration amount of Rs.10,51,000/- for executing sale deed with regard to land measuring 3 kathas 8 dhoors and 8 kanma but subsequently it was found that prior to the agreement the cousin of the petitioners sold the said land in favour of some other person.

It is submitted by the learned counsel for the petitioners that petitioner no. 1 accepts the receiving of rupees nine lacs fifty one thousand and filed Title suit against his cousin and purchase of the cousin and is still ready to transfer the land after resolution

of the dispute between the petitioners and their cousin and the purchaser. In alternative, the petitioner no.1 agrees to return the amount received to the informant within a period of nine months from today.

Considering the present stand of petitioner no. 1, let the above named petitioner no. 1 be released on provisional bail for nine months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Jhanjharpur, Madhubani in connection with Khutauna P.S. Case No. 53 of 2014.

The provisional bail of petitioner no. 1 will be confirmed by the learned court below on return of the amount within the aforesaid time. If the money will not be returned, the provisional bail of the petitioner will not be confirmed by the learned court below.

Considering the fact that the relevant records suggest that the agreement was between petitioner no. 1 and the informant, let the above named petitioner no. 2 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 JM Ist Class, Jhanjharpur, Madhubani in connection with the aforementioned case.

Learned counsel for the informant submits that on return of the amount appropriate application for withdrawal/compromise will be filed before the learned court below.

(Dinesh Kumar Singh, J)

Anil/-

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