

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52318 of 2015

Arising Out of PS.Case No. -42 Year- 2015 Thana -KATIHAR COMPLAINT CASE District-
KATIHAR

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Chandan Kumar Jha, son of Sri Suga Nand Jha, Resident of Mohalla-
Krishnanagar T.V. Tower, Katihar, P.O., P.S. and District Katihar

.... Petitioner

Versus

1. The State of Bihar

2. Jay Narayan Singh, son of Madhusudan Singh, Resident of Village Sirsa,
Police Station Muffasil Katihar, District Katihar

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Jibendra Mishra, Advocate

For the State : Mr. Shailendra Kumar 1, APP

For O.P. No.2 : Mr. Suresh Prasad Sah, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 09-11-2015 Heard learned counsel for the petitioner and learned

APP for the State assisted by learned counsel for the opposite

party no.2.

2. The petitioner apprehends his arrest for the offences

alleged under Sections 403 and 420 of the Indian Penal Code

registered in connection with C.A. Case no. 42 of 2015.

3. It is submitted that the petitioner has been falsely

implicated as under the agreement itself earnest money which was

paid by the intending purchasers was liable to be forfeited in case

they are unable to make full payment of the consideration amount.

In any event it is submitted that the petitioner has already repaid

the amount received from the complainant as also Prabhu Dayal. It

is further submitted that the transaction in question is purely of civil nature.

4. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Sri M.K. Jha, Judicial Magistrate, Ist Class, Katihar in connection with C.A. Case No. 42 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Vikash Jain, J)

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