

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12557 of 2015

Arising Out of PS.Case No. -50 Year- 2013 Thana -ARER District- MADHUBANI

Manoj Kumar Sah son of Subaran Sah, Resident of Village- Karhi Toli,
P.S.- Arer, District- Madhubani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Ahmad Ali(App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 22-05-2015 Heard Mr. Raj Kumar learned counsel for the
petitioner and learned APP for the State.

The petitioner is facing accusations under sections
406 and 420 IPC vide Arer P.S. Case No. 50 of 2013 wherein it
has been alleged that certain earnest/consideration amount was
paid to the petitioner for transfer/purchase of land. In spite of
receipt of the amount(s) on different dates in the year 2011, he
did not execute the sale deed.

Counsel for the petitioner submits that on receiving
the amount(s) the land was sold in favour of the father of the
informant in the year 2011 vide Annexure-2. Two years
thereafter, the present case has been lodged. Even if allegations are
accepted to be true/correct, it will purely be a case of civil

dispute. However, the petitioner is willing to deposit some part of the consideration amount as security deposit. He is in custody since 31.01.2015.

Regard being had to above, the petitioner abovenamed is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st Class, Madhubani in Arer P.S. Case No. 50 of 2013 (Tr. No. 438 of 2013, G.R. No. 1128 of 2013) on condition that one of the bailors of the petitioner shall be his own/close family member. In the event of framing of charge the petitioner shall appear on each date fixed at the trial. Failure in appearance on two consecutive dates shall entail cancellation of bail bonds of the petitioner. Moreover, the petitioner shall deposit a bank draft/banker's cheque in the sum of Rs. 30,000/- favouring the informant of the case without prejudice to his right and defence. The payment of such amount shall abide by the final outcome of this case.

(Kishore Kumar Mandal, J)

HR/-

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