

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42658 of 2015

Arising Out of PS.Case No. -266 Year- 2015 Thana -BIHTA District- PATNA

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1. Dashrath Kumar Son of Surjan Rai, Resident of Village - Dayalpur Daulatpur, P.S. - Bihta, District - Patna.
 2. Jitendra Kumar, Son of Raj Kishore Yadav, Resident of Village - Bilap P.S. - Bihta, District - Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Shyam Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 30-11-2015

Heard learned counsel for the petitioners and the State.

The petitioners seek bail in a case instituted under Sections 420, 406, 467, 468, 471 and 120B of the Indian Penal Code.

Allegation against the petitioners is that they introduced a person, namely, Sudarshan Prasad Mehta, to the informant for selling his land. Informant entered into an agreement to purchase the land and paid an amount of Rs. 18 lacs to that person and petitioners were witnesses to that effect. Later on, it was found that the original person naming Sudarshan Prasad Mehta is already dead. Thus, petitioners have cheated the informant.

It has been submitted on behalf of the petitioners that

petitioner nos. 1 and 2 are in custody since 18.7.2015 and 23.7.2015 respectively. Chargesheet has been submitted in the present case. There is no allegation of tampering of evidence against the petitioners.

A supplementary affidavit has been filed on behalf of the petitioners stating therein that petitioners shall jointly deposit an amount of Rs.6 lacs in the court below which shall be released in favour of the informant. Rs.3 lacs shall be deposited jointly on the date of furnishing of the bail bond and the remaining Rs.3 lacs shall be deposited within a period of three months in three equal instalments.

An affidavit has been filed on behalf of the informant that after receiving the amount of Rs.6 lacs, the informant shall file a petition for compounding the offence in respect to the petitioners in the court below.

Both the affidavits are kept on record.

Considering the aforesaid facts and circumstances, it is directed that petitioners shall deposit the amount of Rs.3 lacs on the date of furnishing of the bail bond in the court below which shall be released in favour of the informant and the court below will grant provisional bail to the petitioners for a period of three months on furnishing bail bond of Rs.10,000/- (Ten thousand

only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Danapur, in connection with Bihta P. S. Case no. 266 of 2015. The petitioners shall jointly deposit the balance amount of Rs.3 lacs within a period of three months from the date of release of the petitioners in three equal instalments.

Once the entire amount of Rs.6 lacs is deposited, the court below shall confirm the provisional bail granted to the petitioners. Thereafter, the informant shall file a petition for compounding the offence in respect to the petitioners which the court below shall dispose of in accordance with law.

(Sudhir Singh, J)

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