

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47125 of 2014

Arising Out of PS.Case No. -188 Year- 2012 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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Ramasharay Singh S/o Late Kuldeep Singh R/o village - Ramdihra, P.S.
Amjhaur, District - Rohtas

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aditya Narayan Singh-1

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

For the Complainant : Mr. Ajay Kumar Tiwari, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 30-04-2015 Heard learned counsel for the parties as with regard to

the allegation for offence under Section 420 of the Indian Penal

code.

Learned counsel for the petitioner, having referred to
various documents, has tried to establish that whatever has been
alleged by the complainant, at best, would make out a case of civil
dispute, and thus for the consequences of non-fulfilment of the
specific performance of contract, it could not have led to criminal
prosecution.

Learned counsel for the complainant, on the other hand,
having appeared in this case, has tried to explain that it was a case
of fraud played by the petitioner.



This Court taking into account the averment in the legal notice and also by noticing existence of clear discrepancy in the agreement dated 28.7.2011 having itself a lot of cutting and interpolation, would be inclined to accept the submission of the learned counsel for the petitioner that the complainant has unnecessarily tried to implicate the petitioner in a criminal case whereas the remedy for him could be only before the appropriate civil court by way of filing a civil suit.

That being so, if the petitioner, namely, Ramasharay Singh surrenders before the court below within a period of four weeks from today, he shall 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 the Sub Divisional Judicial Magistrate, Dehari, Rohtas, Sasaram in connection with Complaint Case No. 188 of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

(i) That both the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iii) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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