

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16951 of 2015

Arising Out of PS.Case No. -476 Year- 2014 Thana -CIVIL LINE District- GAYA

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Kishori Singh @ Kisori Singh son of Late Ram Khelawan Singh resident of
Village - Dubhal, P.S. Magadh Medical College, District Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Durgesh Nandan

For the Opposite Party/s : Mr. M.K.Nirala (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 22-05-2015

Heard both sides.

The petitioner apprehends his arrest in a case under
Section 406 and other sections of the Indian Penal Code.

The informant alleged that the petitioner, being the
holder of Power of Attorney, executed a deed of agreement to sell
a piece of land and also received Rs. 4,000/- but the petitioner did
not execute the sale deed nor returned the money. The petitioner
executed the sale deed in favour of another person with regard to
the same land. Learned counsel for the petitioner submits that the
petitioner many times asked the informant to get the sale deed
executed or get the money back but the informant did not pay any
heed to his request. The case is purely of civil nature. If any
breach of contract is committed, the informant has got every right
to file a suit for specific performance of contract to recover the

money with interest.

Learned counsel for the informant, on the other hand, submits that the petitioner neither returned the money nor executed the sale deed in favour of the informant; instead he executed the sale deed with regard to the same land in favour of another person.

Be that as it may, there appears that the dispute is of civil nature as the cause of action arose out of breach of contract between the two parties.

Considering the facts aforesaid, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged 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 learned Chief Judicial Magistrate, Gaya in Civil Lines P.S. Case No. 476/2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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