

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.39152 of 2015**

Arising Out of Complaint Case No. -63 Year- 2014 Thana -COMPLAINT CASE District-  
SHEOHAR

=====

Chhotan Rai, Son of Jagrup Rai

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Ratan Lal Sah, Son of Late Sitara Sah

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Devendra Kumar, Advocate

For the Opposite Party/s : Mr. Subash Chandra Mishra(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

ORAL ORDER

2      06-10-2015

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under sections 420, 468/34 of the Indian Penal Code.

The prosecution case is that the complainant gave consideration amount Rs.3,75,000/- to the petitioner for getting a particular piece of land transferred in favour of the complainant. The petitioner and the complainant entered into an agreement to the effect that if the land would not be transferred in favour of the complainant then the entire consideration amount will be returned but neither the land was transferred nor the consideration amount was returned.

It is submitted by learned counsel for the petitioner that

petitioner is "Power of Attorney" holder of the owner of the land, in question, and is ready to execute the sale deed in favour of the complainant within a period of one month from today.

It is submitted by learned counsel for the complainant that the complainant is ready to accept the offer of the petitioner.

Considering the present stand of the parties, let the above named petitioner be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Sheohar in connection with Complaint Case No.C-1/63 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below on production of substantial proof with regard to execution of sale deed with regard to land in question, otherwise the petitioner will surrender and pray for regular bail.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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