

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3409 of 2016

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

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1. Raghubir Yadav So of Mahabir Prasad, Resident of Village- Mira Jha Road, Bihta, P.s.- Bihta, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advcoate

For the informant : Mr. Rashid Zafar

For the Opposite Party/s : Mr. Ramesh Chandra Sahani(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 10-02-2016 Heard learned Senior Counsel for the petitioner and learned Additional Public Prosecutor for the State as well as learned counsel appearing on behalf of the informant.

The petitioner is in custody since 07.09.2015 in connection with a case registered the offences punishable under Sections 420/406/467/468/471/120(B) of the Indian Penal Code.

The allegation against the petitioner is that he had posed himself as one Sudarshan Mehta before the informant for selling his land. It is submitted that the informant had entered into an agreement to purchase land and paid an amount of rupees 18 lacs to the petitioner and other accused persons in installments. Later on, it was discovered that the person Sudarshan Mehta was already dead and, therefore, the agreement was a sham document.

Learned counsel for the petitioner submits that earlier in

the case of one Dashrat Kumar and Jitendra Kumar, after going into the depth of the matter, the Court has been pleased to grant them regular bail vide order dated 30.11.2015 passed in Cr. Misc. No. 42658 of 2015. He further submits that chargesheet has already been submitted in the present case and there is no question of tampering with the evidence and the petitioner will abide with similar conditions as the order passed in the aforementioned case by this Court.

It is thus directed that the petitioner who is liable to pay the extent of Rs. 3 lacs, shall pay back to the informant aforementioned rupees three lacs. It is submitted that he shall deposit Rs. 1, 50, 000/- (One lac fifty thousand) on the date of furnishing of the bail bonds in cash in Court itself and the remaining Rs. 1, 50, 000/- (One lac fifty thousand) shall be deposited within a period of three months in equal installments.

Learned counsel appearing on behalf of the informant agrees to the same and is also willing to abide by the similar direction as contained in the Cr. Misc. No. 42658 of 2015 whereby he gave an undertaking to this court that once the amount of rupees six lacs would be received, the informant would file a petition for compounding the offence in respect to the petitioner in the Court below. The said undertaking given in the previous case shall also hold good in the present case and no sooner the petitioner

deposits rupees three lacs (his share) the informant shall file a petition in the court below for compounding of the offence. The amount so deposited by the petitioner in the Court shall be released in favour of the informant.

Considering the aforementioned facts, it is directed that the petitioner shall deposit Rs. 1,50, 000/-(One lac fifty thousand) on the date of furnishing of the bail bonds in the Court below which shall be released in favour of the informant and the petitioner shall be granted provisional bail to the petitioner for a period of three months on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur, Patna in connection with Bihta P.S. Case No. 266 of 2015.

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

(Anjana Mishra, J)

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