

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10681 of 2016

Arising Out of PS.Case No. -144 Year- 2014 Thana -PARSABAZAR District- PATNA

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JAI SHANKAR KUMAR @ BHOLA JEE S/o Sri Hira Sao, resident of
Mohalla- Kurthaul, P.S.- Parsa Bazar, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt. Sonamati Devi, w/o Sri Dev Kumar Gupta, r/o vill- Kasut, p.s. –
Dhanarua, Distt - Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjiv Sharan, Adv.

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

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3. 26-04-2016 Heard learned counsel for the petitioner, learned counsel
for the complainant and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Parsa Bazar
P.S. Case No. 144/2014 registered for the offences punishable
under Sections 406, 420, 467, 468, 471 and 120B of the Indian
Penal Code.

The allegation against the petitioner is that he received
Rs. 3,17,000/- cash from the complainant for transfer of some
land, but he did not transfer the land in favour of the complainant
and started evading the matter and further took Rs. 1,00,000/-
cash, Rs. 58,000/- for purchasing stamp and got expended Rs.
16,000/- in mutation and Rs. 50,000/- for storing bricks, sands and

other materials and also Rs. 5,000/- for the measurement of the land.

At the very outset, the learned counsel for the petitioner submits that the petitioner is ready to return the amount of Rs. 3,17,000/- which he has received from the complainant in easy installments without admitting the case of the complainant. It is prayed that several persons have lodged similar type of cases against the petitioner and the petitioner has to pay some amounts to other persons also and, therefore he is able to make payment to the complainant in installments of Rs. 50,000/- per month.

Learned counsel appearing for the complainant submits that the petitioner ought to have paid other amount also but does not raise any objection in respect of the aforesaid proposal.

In the facts and circumstances stated above, considering the statement of the parties and further considering the detention of the petitioner, the petitioner above-named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Indrani Kisku, learned Judicial Magistrate Ist Class, Patna in connection with Parsa Bazar P.S. Case No. 144/2014 subject to the condition that the petitioner shall pay Rs. 50,000/- within one month from the date of his release and after

payment of first installment he shall pay rest amount i.e., Rs. 50,000/- per month in five equal installments and again Rs. 17,000/- failing which the learned trial court be at liberty to cancel the bail bond of the petitioner.

It is made clear that if the complainant refuses to accept the aforesaid amount, the petitioner shall be at liberty to deposit the amount of installments in the concerned court. It is also made clear that the amount, so deposited, shall be subject matter of final decision of the above-said case.

(Jitendra Mohan Sharma, J.)

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