

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23322 of 2016

Arising Out of PS.Case No. -272 Year- 2016 Thana -ARA NAWADA District- BHOJPUR

Nirmal Yadav, son of Ram Bachan Yadav, R/o Mohalla- Maula Bagh, P.S.-
Ara Nawada, District- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Niskalanki Singh @ Arjun Singh, son of Late Devi Dayal Singh,
resident of Village-Pakariyabar, P.S.-Udwantnagar, District-Bhojpur

.... Opposite Party/s

Appearance :

For the Petitioner : Mr. Baxi S.R.P. Sinha, Sr. Advocate
Mr. Rahul Nath, Advocate
For the S t a t e : Mr. Ahmad Ali(APP)
For the Informant : Mr. Arun Kumar Pandey, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 10-08-2016 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State. Learned

counsel for the complainant/informant is also present.

The petitioner is apprehending his arrest in
connection with Ara Nawada P.S. Case No.272 of 2016 for
allegedly having committed the offence under Sections 406
and 420 of the Indian Penal Code.

Mr. Baxi S.R.P. Sinha, learned Senior Counsel
appearing on behalf of the petitioner submits that the allegation
against the petitioner is that the complainant/informant had
paid an amount of ₹5,18,000/- for a piece of land having an



area 62½ decimals, bearing Khata No.33, Khesra No.178, Thana No.315, Mauza-Sikandarpur. The petitioner took advance amount from the complainant/informant, but did not register the land as per the agreement entered into by him. Learned counsel further submits that since the agreement amount of ₹7,51,000/- was not paid by the complainant/informant, the petitioner did not execute the sale deed. In any event of the matter, the matter was one of civil liability and if at all the informant was aggrieved, he should have approached an appropriate court by filing a suit for specific performance of contract for getting his grievance redressed.

Having heard learned counsel for the petitioner and the learned counsel appearing on behalf of the opposite parties, it appears that the case is of civil liability. Till date, no suit for specific performance of contract has been filed, as is admitted by opposite party No.2 also.

In view of such facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand)

with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Ara Nawada P.S. Case No.272 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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