

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33040 of 2015

Arising Out of PS.Case No. -246 Year- 2015 Thana -BUXAR District- BUXAR

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Bashishtha Tiwari @ Bashishtha Muni Tiwary, Son of Ram Naresh Tiwary,
resident of village - Rajdihan, P.S. - Dumraon, District - Buxar.

.... Petitioner

Versus

1. The State of Bihar
2. Sumitra Devi, W/o Sidhnath Ravani, resident of village- Karuwah, P.S.
- Koransarai, District -Buxar.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate
For the Opposite Party : Mr. Parijat Saurav, Advocate
No.2/Informant : Mr. Madhuri Lata, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 09-02-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out
of Buxar (T) P.S. Case No. 246 of 2015, disclosing offences under
Sections 406, 420, 467, 468, 471 and 120B of the Indian Penal
Code.

Allegedly, the petitioner received a sum of Rs. 60,000/-
from the informant as consideration money for transfer of piece of
land in favour of the informant. A registered sale deed was also
executed by the petitioner in favour of the opposite party no. 2, the
informant. With the allegation that the said piece of land, in fact,

belongs to some other person and, thus, the informant stood cheated, by the petitioner, a complaint petition was filed which gave rise to institution of the said First Information Report under Section 156(3) of the Cr.P.C.

Learned counsel for the petitioner has disputed payment of amount of Rs. 60,000/- to have been made to the petitioner. He has drawn my attention to a copy of the sale deed wherein it is mentioned that an amount of Rs. 25,000/- was paid to the petitioner.

Learned counsel appearing on behalf of the informant has resisted the contention made on behalf of the petitioner and has reiterated that, in fact, the informant had paid the said amount of Rs. 60,000/-.

For the purpose of consideration of the present application seeking anticipatory bail, I am not required to go into such dispute in view of the stand taken on behalf of the petitioner.

Learned counsel for the petitioner submits that the petitioner would be returning to the informant the said amount of Rs. 25,000/- within two weeks from today.

In view of the stand taken on behalf of the petitioner, this application is allowed.

Let the petitioner, above-named, in the event of his

arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (T) P.S. Case No. 246 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

It is made clear that payment of the said amount of Rs. 5,000/- is without prejudice to the rival rights and contentions of the parties before the court below.

(Chakradhari Sharan Singh, J)

Vats/-

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