

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54331 of 2016

Arising Out of PS.Case No. -864 Year- 2014 Thana -KHAGARIA COMPALINT CASE District-
KHAGARIA

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Sanjeev Rai @ Buchuk Lal Rai son of Late Janardan Rai, resident of
Villagae- Sansarpur, P.S. Mufassil, District- Khagaria.

.... Petitioner/s

Versus

1. State of Bihar
2. Arbind Pathak son of Surendra Pathak resident of village- +P.O
Mathurapur, P.S + District- Khagaria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary

For the Opposite Party/s : Mr. Sri Prem Kumar Jha

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

ORAL ORDER

2 20-12-2016 Heard the learned counsel for the petitioner, the

learned A.P.P for the State as also the learned counsel for the

Complainant.

The petitioner seeks bail in a case for the offences
punishable under sections 406, 420, 504 and 120 B of the I.P.C.
Cognizance has been taken under section 406/34 of the I.P.C.

The petitioner along with his wife came at the house
of the complainant, agreed to sell 14 dhurs of land on
consideration amount of Rs. 3,75,000/-, and by way of Jarbiyana
received Rs. 2,00,000/- and executed the deed of Jarbiyanama on
the revenue stamp paper but neither got the land measured nor
executed the sale deed in favour of the complainant and on



enquiry the complainant came to know that there has been no land of the petitioner as agreed to sell.

Submission is of false implication and without any fault the petitioner is suffering in custody since 11.09.2016, the dispute appears purely of civil nature, the complainant is a shrewd man who on false assurance got prepared Jarbiyanama but did not pay the advance money of Rs. 2,00,000/- and has filed the instant complaint petition to take his land without payment of consideration money and as such now the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the complainant opposes prayer for bail by submitting that the petitioner misappropriated the amount of Jarbiyana, i.e, Rs. 2,00,000/-

In the facts and circumstances as stated above, considering detention of the petitioner and the nature of dispute, now the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Khagaria in Complaint. Case No. 864 C of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of



the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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