

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39944 of 2016

Arising Out of PS.Case No. -82 Year- 2016 Thana -AIRPORT District- PATNA

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Ashok Kumar, son of Late Chandradev Poddar, R/o Village – Adampur,
P.S. Khagaul, Distt. Patna, at present resides at CMD Lord Ashoka Home
Graphic Infra Com. Pvt. Ltd., Shanti Market, Jagdeo Path, P.S. Hawaii
Adda, Dist. Patna. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Pramod Kumar, Advocate.

For the Opposite Party/s : Mr. Narsingh Tanti, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 06-12-2016 Heard both sides.

The petitioner seeks bail in Hawaii Adda P.S. Case
No. 82/2016 registered under Sections 419, 420, 467, 468, 471,
120B of the Indian Penal Code.

The petitioner executed a Deed of Agreement to Sell
after receiving Rs. 9,00,000/- in cash and four cheques bearing
nos. 170706 (for Rs. 4,00,000/-), 170708 (for Rs. 2,50,000/-),
170709 (for Rs. 5,00,000/-) and 170710 (for Rs. 3,50,000/-).
Altogether the petitioner received Rs. 24,00,000/- from the
informant and executed a Deed of Agreement to Sell on
24.02.2016 with an assurance to execute the sale deed after
measurement of the land but, on one pretext or other, the petitioner
deferred execution of the sale deed. Thereafter, the case was
lodged.



Sri Birendra Kumar Singh, learned senior counsel for the petitioner, submits that the petitioner encashed two cheques - one of Rs. 4,00,000/- bearing cheque no. 170706 and Rs. 2,50,000/- bearing cheque no. 170708. The petitioner did not receive any cash. The petitioner is in jail since 14.06.2016.

Learned counsel appearing on behalf of the informant as well as learned A.P.P. submitted that the petitioner also received Rs. 9,00,000/- in cash and four cheques before execution of the Deed of Agreement to Sell.

Learned counsel for the petitioner submits that the petitioner is ready to return Rs. 6,50,000/-, which he received through two cheques, within one month from the date of his release and he also undertakes to settle the dispute with the informant.

Considering the facts aforesaid and the fact that the petitioner is ready to return Rs. 6,50,000/- within one month from his release and he is in jail for last six months, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Saurav Singh, Judicial Magistrate 1st Class, Patna in Hawaii Adda P.S. Case No. 82 of 2016.

If the petitioner fails to return Rs. 6,50,000/- within



one month from his release, the learned court below shall cancel
the bail bonds of the petitioner immediately thereafter.

Dilip/-

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(Prabhat Kumar Jha, J)

