

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44182 of 2016

Arising Out of PS.Case No. -202 Year- 2014 Thana -ARA NAWADA District- BHOJPUR

Hridyanand Rai, Son of Late Babulal Rai, Resident of village- Jamira, P.S.-
Arrah Mofassil, District- Bhojpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Kumar Dubey, Advocate.

For the Opposite Party/s : Mr. Sri Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 21-10-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Ara-Nawada P.S. Case No. 202 of 2014 registered under Sections
406 and 420 of the Indian Penal Code.

The accusation is that the petitioner entered into an
agreement for sale of 53 decimals of land in Khata No. 16,
Khesara No. 2420 with the complainant/informant on payment of
consideration amount of Rs.51,000/-. Accordingly, on 28.10.1998,
complainant/informant gave Rs.48,000/- as advance and the said
land was handed over to the informant but in spite of request,
petitioner did not execute the sale deed in favour of the informant.
Late on, petitioner Hardiya Nand Rai, executed the sale deed on
18.10.2013 in favour of co-accused, Chandmuni Devi, his

daughter-in-law. The informant made request to the petitioner but he did not take steps for cancellation of the sale deed and also threatened to the informant.

Learned counsel for the petitioner submits that while after investigation police submitted the final form against the petitioner but the learned Chief Judicial Magistrate, Bhojpur, Ara, took cognizance of the offence under Sections 406 and 420 of the Indian Penal Code. Further submission is that regarding dispute as alleged in the complaint petition, which is the basis of the F.I.R., Title Suit No. 224 of 2000 filed by the informant for Specific Performance of Contract, is pending in the court of Sub-Judge-3, Bhojpur, Ara.

Considering the aforesaid submissions, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhojpur, Ara, in connection with Nawada P.S. Case No. 202 of 2014, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

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