

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5807 of 2016

Arising Out of PS.Case No. -3 Year- 2013 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

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1. Dineshwar Giri Son of Daroga Giri R/o village - Oriadih, P.S. Ramgarh,
Distt. - Kaimur (Bhabhua).... Petitioner

Versus

1. The State of Bihar
2. Laipari Devi W/o Gauri Shankar Giri R/o village - Oriadih, P.S.
Ramgarh, Distt. - Kaimur (Bhabhua)

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rewti Kant Raman

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary-I(App)

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

6 02-05-2016 Heard learned counsel for the petitioner and learned APP
and learned counsel representing opposite party no. 2.

The petitioner seeks bail in connection with Complaint
Case No. 03 of 2013 registered for the offences punishable under
Sections 423, 468 of the Indian Penal Code.

Allegedly, for executing sale deed with respect to the
land in question the petitioner took advance of Rs. 1,50,000/- from
complainant and executed the sale deed though for that land the
petitioner has already executed the sale deed in favour of another
person and thereafter, the petitioner neither returned the amount nor
executed the sale deed with respect to another land though at the time
of hearing of application for pre-arrest bail the petitioner has given
undertaking to this effect, but as he did not comply that undertaking,
resulting he is in custody since 30.12.2015 and now learned counsel for

the petitioner submits that the petitioner is ready to return the amount of Rs. 1,50,000/- with interest of Rs. 25,000/- total Rs. 1,75,000/- to the complainant as he is unable to execute the sale deed with respect to another land due to some impediment.

Learned counsel for the complainant submits that the petitioner has failed to comply the earlier order of this Court but under protest the complainant is ready to accept the amount of Rs. 1,75,000/- for the time being.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Maharshi Dubey, J. M. Ist Class, Kaimur at Bhabhu in connection with Complaint Case No. 03 of 2013, with condition that after release the petitioner shall pay Rs. 1,75,000/- to the complainant through bank draft in the name of complainant within two months from the date of his release, failing which bail granted to the petitioner shall be deemed to be cancelled. However, the said payment of amount will not affect the merit of the case.

(Jitendra Mohan Sharma, J)

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