

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7904 of 2016

Arising Out of PS.Case No. -385 Year- 2014 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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Raj Kumar Choudhary, son of Upendra Narayan Choudhary, resident of
Mirzapur, P.S.-Biraul, District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. Leelam Devi, wife of Raman Jha, resident of village- Jalbar, P.S.- Simari,
District- Darbhanga

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sameer Ranjan, Advocate
For the State : Mr. Md. Fahimuddin, A.P.P.
For the Opposite Party/s : Mr. Dharmendra Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

8 26-09-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out
of C.R. No. 385 of 2014, T.R. No. 5800 of 2014, disclosing
offences under Section 420 of the Indian Penal Code.

It is alleged in the complaint petition that the petitioner
had taken certain amount as consideration money from the
complainant for transferring a piece of land in favour of the
complainant. It is alleged that after having taken the amount, the
petitioner has refused to execute the sale deed in favour of the
complainant.

Learned counsel for the petitioner has submitted that the sale deed could not be executed in favour of the complainant as he had failed to pay the full consideration money.

Learned counsel appearing on behalf of the complainant on the basis of instructions, which he has received from his client, has submitted that taking a line of least resistance in order to avoid any litigation, he is ready to pay to the petitioner a further sum of Rs. 3 lakh within a period of one month.

Learned counsel appearing on behalf of the petitioner has also, after having received instructions from his client, has submitted that the petitioner shall execute the sale deed within a period of one week from the date he receives payment of the said amount of Rs. 3 lakh.

It has been jointly submitted on behalf of the parties that once the sale deed is executed, they will take steps for compounding of the offence under Section 320(2) of the Code of Criminal Procedure and for the said purpose the complainant shall not put any further condition.

Considering the fair stand taken on behalf of the parties, this application is allowed.

Let the petitioner, above-named, in the event of his arrest or surrender before the court below within six weeks, 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, Darbhanga in connection with C.R. No. 385 of 2014, T.R. No. 5800 of 2014, 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.

(Chakradhari Sharan Singh, J)

Vats/-c

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