

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12995 of 2016

Arising Out of PS.Case No. -131 Year- 2015 Thana -DHAMDHAHA District- PURNIA

=====

1. Yogi Prasad Sah @ Yogendra Prasad Sah son of Prithwy Sah @ Pritywy Chand Sah resident of village- Amari Kukraun, P.S.- Dhamdaha, District- Purnea

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Amitesh Kumar (App)

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 13-04-2016

Heard both sides.

Before lodging the complaint on 18.11.2013 under Section 406 of the IPC which was later treated as an FIR, the complainant had filed the Title Suit no. 198 of 2012 for specific performance of contract impleading the petitioner as defendant.

Allegation is that on the basis of an agreement to sale the petitioner received certain amount but did not execute the sale deed. Mr. Singh has rightly contended with reference to the record including the pleader notice dated 12.12.2011 and the plaint (Annexure-2) that it is a civil dispute which is purposely been given shape of criminal liability.

Be that as it may considering the facts and

circumstances of the case, this Court is inclined to extend the privilege of anticipatory bail to the petitioner. Let the petitioner, named above, in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Purnea in connection with Dhamdaha P.S. case no. 131 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.

Shyam/-

U		T	
---	--	---	--

(Kishore Kumar Mandal, J)