

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41913 of 2016

Arising Out of PS.Case No. -1285 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Vijay Kumar @ Vikash Sao Son of Radhey Shyam Gupta Resident of
Village -Mohani, P.S- Asthawan, Distt- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sri Kumar Sinha @ Pappu Son of Sri Asharfi Pd. Singh Resident of
Mohalla- Kasumauram P.S- Rupaspur Distt- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudish Kumar

For the Opposite Party/s : Mr. Sri Akhileshwar Dayal

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

2 20-10-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with
complaint case no. 1285(c) of 2015 registered for the offences
punishable under Sections 323, 406 and 420 of the Indian Penal
Code.

Allegedly, the petitioner and other co-accused
entered into an agreement for selling one katha of land for
consideration amount of Rs. 21,00,000/- and after taking earnest
money of Rs. 2,50,000/- executed Bai-beyana deed and again took
amount on different dates and in that way received Rs. 15,00,000/-

, but started evading the execution of sale deed. The complainant came to know that they are dishonest persons and they have already executed the sale deed in favour of one Videshi Prajapati for that land on 14.7.2015 itself and when, complainant demanded his amount of Rs. 15,00,000/-, they refused to return the same and abused and further snatched gold chain.

Submission is of false implication and that the petitioner has no concern with the aforesaid agreement. He has not taken any amount from the complainant, the agreement was executed by Rakhi Kumari and Triveni Sao and the land was purchased property of Pramila Devi the wife of Triveni Sao and mother of Rakhi Kumari. The deed of agreement to sell was executed on 12.04.2015 whereas the petitioner was married with Rakhi Kumari on 03.05.2015 and as such the petitioner deserves sympathetic consideration as he has been unnecessarily implicated in this case.

Learned A.P.P. and learned counsel for the complainant oppose the prayer of bail by submitting that the petitioner was also involved in showing the land.

In the facts and circumstances stated above, considering the limited role of the petitioner, he 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 Randhir Kumar J.M. 1st Class, Danpaur, Patna in connection with complainant case no. 1285 (c) of 2015, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

siddharth/-avin

(Jitendra Mohan Sharma, J)

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