

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37016 of 2016

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1. Baidya Nath Sah, S/o Late Rameshwar Sah, resident of Village-
Panchgachhia, P.S.- Bihra, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Opposite Party/s : Mr. Sri Braj Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 31-08-2016

The present modification application has been filed for confirmation of the provisional anticipatory bail granted to the petitioner for three months vide order dated 18.02.2016 passed in Cr. Misc. No. 7333 of 2016 in a case registered for the offences punishable under Sections 406 and 120B of the Indian Penal Code.

The prosecution case is that the petitioner and his wife took Rs. 3,75,000/- advance as consideration money for transfer of land bearing old Khata No. 261 and 255, old Khesra No. 955, 958, 938, 959, 960, new Khata No. 607, 609, 600 and 610 measuring an area of nine kathas but neither the sale deed was executed nor money was returned.

On submission of the counsel for the petitioner that sale deed with regard to the land in question was executed in favour of the informant, the petitioner was granted provisional anticipatory bail for a period of three months vide order dated 18.02.2016. The provisional bail of the

petitioner was to be confirmed by learned court below on filing proof with regard to the execution of the sale deed in favour of the informant.

The order of the learned Court below dated 27.05.2016 reflects that the sale deed submitted by the petitioner does not reflect that the sale deed was executed with regard to the land in question. In the circumstance, the provisional bail granted to the petitioner was not confirmed by learned Court below.

Considering the fact that petitioner was granted provisional bail for three months vide order dated 18.02.2016 and the same has expired on 17.05.2016 when the present modification application has been filed on 24.08.2016 much after expiry of the period of provisional bail, this Court is not inclined to modify the earlier order. Let learned Court below consider the prayer for regular bail of the petitioner, keeping in view of the nature of accusation and the fact that petitioner has executed the sale deed in favour of the informant, if the petitioner surrenders within a period of six weeks in connection with Bihra P.S. Case No. 08 of 2014, pending in the Court of learned Judicial Magistrate, 1st Class, Saharsa.

Accordingly the modification application is disposed off.

(Dinesh Kumar Singh, J)

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