

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17934 of 2016

Arising Out of PS.Case No. -2 Year- 2016 Thana -ISHAKCHAK District- BHAGALPUR

Dilip Kumar Rai Son of Sita Ram Rai, Resident of Mohalla - Patel Nagar,
Home Guard Training Centre, P.S. Tilkamanjhi, District - Bhagalpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Dr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Sunil Kr. Panday, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-05-2016 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends arrest in connection with
Ishakchak (Tilkamanjhi) P.S. case No.2 of 2016 for offences
alleged under Sections 406 and 420 of the Indian Penal Code.

The prosecution case, as lodged by the Informant, is that
the petitioner took a sum of Rs.1,50,000/- from the informant on
the pretext of sale and purchase of a piece of land but the
petitioner neither executed the sale deed nor returned the money to
him.

It has been submitted by the learned counsel for the
petitioner that an agreement had been executed between the
informant and one Basu Mandal and the petitioner was merely a

signatory as a witness to the said agreement. The petitioner has no concern with the aforesaid transaction between the informant and the other co-accused and, as such, no case under Sections 406 and 420 of the I.P.C. is made out against him, rather the matter is a civil dispute between the informant and the other co-accused as it is a dispute over title between the vendor and the purchaser.

However, learned APP for the State submits that the petitioner is named in the First Information Report, hence opposes the prayer for bail.

Be that as it may, since the matter is a civil dispute, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, VI, Bhagalpur in connection with Ishakchak (Tilkamanjhi) P.S. case No.2 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

Narendra/-

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