

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31158 of 2016

Arising Out of PS.Case No. -206 Year- 2016 Thana -PHULWARI District- PATNA

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1. Hira Prasad S/o - Late Shaguni Singh Resident of Village - Hulaschak,
P.S. - Janipur, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jogendra Kumar

For the Opposite Party/s : Mr. Sri Vinod Shankar Modi

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 11-08-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner took Rs. 28 lacs and executed an agreement
for sale in favour of the informant in respect of Khata No.351
survey Plot nos. 2252 and 2253 situated at village Hulaschak,
District- Patna but, subsequently, neither he returned the amount
nor executed absolute sale deed.

Submission on behalf of the petitioner is that the
aforesaid agreement for sale was executed in respect of ancestral
property of the petitioner but due to some family dispute, the
absolute sale deed could not be executed . However, petitioner is
ready to return the amount in question in installments.
Learned counsel for the petitioner submits that petitioner may

deposit Rs.2 lacs per month till realization of the entire amount.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st class, Patna in connection with Phulwarisariiff (Janipur) P.S.Case No. 206 of 2016, subject to the condition that within one month from the date of his release, the petitioner shall deposit Rs. 2 lacs before the court below and, after that, on each and every month, he shall deposit Rs. 2 lacs till realization of the entire amount. It is made clear that if the informant makes prayer before the court below for taking the aforesaid deposited amount, the concerned court shall hand over the deposited amount to the informant after taking proper undertaking from him. It is also made clear that if the informant refused to take the aforesaid amount, the said amount shall be deposited in bank account and the said amount shall be subject to outcome of the present case.

(Hemant Kumar Srivastava, J)

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