

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29032 of 2017

Arising Out of PS.Case No. -195 Year- 2017 Thana -ALAMGANJ District- PATNA

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Deepak Kumar @ Utkarsh Kumar, s/o Sri Anil Kr. Mahta @ Anil Kr. @
Binod Kumar, resident of mohalla-Arfabad colony, Pitambara Mandir, PS-
Alamganj, Dist- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar

For the Opposite Party/s : Mr. Kundan Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-07-2017

Heard learned counsel for the petitioner.

The instant petition has been filed for grant of regular bail in connection with Alamganj PS case no. 195 of 2017 registered for the offences punishable under Sections 406, 420/34 of Indian Penal Code.

The case of the prosecution is that an agreement to sale dated 21.12.2013 was entered into between the father of the petitioner namely Sri Anil Kumar and the informant with regard to sale/ purchase of land for a sale consideration of Rs. 43 lakhs. The allegation of the informant is that certain amount by way of cheque and certain amount by way of cash were given to the father of the petitioner in presence of the petitioner.

Learned counsel for the petitioner submits that at this moment, he is willing to pay a sum of Rs. 20 lacs to the



informant namely Manvendra Kumar. Learned counsel for petitioner further submits that the father of the petitioner has received only a sum of Rs. 20 lacs, hence the petitioner undertakes that the said sum of Rs. 20 lacs would be returned back to the informant of this case, as stated aforesaid. Learned counsel for petitioner further submits that the petitioner may be permitted to repay the said sum of Rs. 20 lacs to the informant in instalments.

Having regard to the facts and circumstances of the case, more particularly, the fact that the learned counsel for the informant does not have any objection in receiving the said sum of Rs. 20 lacs subject to him being at liberty to pursue the remedies available to him under the law, I deem it fit and appropriate to direct the petitioner to pay a sum of Rs. 5 lacs on or before 10th of July, 2017. I further direct that the balance sum of Rs. 15 lacs shall be paid in five equal instalments, each of a sum of Rs. 3 lacs. It is made clear that the said instalments shall be paid commencing from 10th of August, 2017. All the balance instalments shall be paid on or before 10th of each month.

It is further directed that the aforesaid time line would be strictly followed by the petitioner and the said amount shall be deposited before the learned trial court. It is further made clear that the informant would be at liberty to withdraw the said



amount from the learned trial court.

Accordingly, I deem it fit and appropriate to grant regular bail to the petitioner on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Addl. Chief Judicial Magistrate, Patna City, Patna in connection with Alamganj PS case no. 195 of 2017 upon submitting proof of deposit of Rs. 5 lacs, which has been directed to have been deposited on or before 10th July, 2017.

It is further made clear that in case of any default in adhering to the aforesaid time line, the aforesaid privilege of regular bail shall stand terminated automatically.

Accordingly, the bail petition is disposed of.

(Mohit Kumar Shah, J.)

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