

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18662 of 2017

Arising Out of PS.Case No. -15 Year- 2017 Thana -PHULWARIA District- GOPALGANJ

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1. Swami Nath Choudhary Son of Late Raj Pati Choudhary, Resident of
village - Madarwani, Police Station - Phulwariya, District - Gopalganj
..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 28-04-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 420, 406 and
506 of the Indian Penal Code.

Allegation against the petitioner is that he had taken
consideration money for sale of his land. However, he did not sell
the same to the informant rather has already sold the same to some
other person.

During course of hearing of this application, learned
counsel for the informant/complainant produced a copy of the
Punchanama which does not contain the description of property
which was subject matter of agreement between the parties.

Apparently, the aforesaid Punchanama cannot be



enforced in a civil proceeding as an agreement to sell, hence, no criminal liability is made out.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, 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 learned Additional Chief Judicial Magistrate-XIII, Gopalganj/successor Court in connection with Phulwariya Police Station Case No. 15 of 2017, G.R. No. 210/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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