

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6899 of 2017

Arising Out of PS.Case No. -106 Year- 2013 Thana -KHAGAUL District- PATNA

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Sanjay Singh @ Gopal Singh, S/o Late Girija Singh, Resident of Musafapur, P.S.- Khagaul, District- Patna, at Present residing at Husainchak, P.S. - Naubatpur, District- Patna.

.... Petitioner.

Versus

1. The State of Bihar.
2. Nurul Afrin, Director, Apex Multi Infra Private Limited, Bari Badalpura, P.S. Khagaul, District-Patna.

.... Opposite Party.

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Appearance :

For the Petitioner : Mr.
For the State : Mr.
For the informant : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

7 01-07-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State as also the learned counsel for the informant.

The petitioner apprehends his arrest in connection with Khagaul P.S. Case No.106 of 2013 registered under Sections 406 and 420 of the Indian Penal Code.

The accusation is that the informant being the Director of Apex Multi Infra Private Limited entered into an agreement with the petitioner to purchase 33 decimals land of Plot No.159, Khata No.169 of village-Mustafapur, on consideration of Rs.30,00,000/- and paid Rs.5,00,000/- at the time of agreement as an advance.



The rest amount Rs.25,00,000/- was to be paid by the informant to the petitioner at the time of execution of the sale deed. When the informant made request to execute the sale deed, the petitioner avoided to execute the sale deed and he also did not return the money as taken by him as an advance. Later on, the informant came to know that the petitioner entered into an agreement to sell the land as agreed to sell him to another person.

Learned counsel for the petitioner submits that the petitioner, who is recorded owner of the land, entered into an agreement with the informant to sell the aforesaid land in his favour and received Rs.5,00,000/ from the informant at the time of agreement and if the informant is ready, the petitioner will execute the sale deed of the aforesaid land in favour of the informant and if the informant is not ready for the same, the petitioner will return Rs.5,00,000/- to the informant in future.

On the other hand, learned counsel for the informant submits that after entering into an agreement to sell the land to the informant, the petitioner entered into an agreement to sell the aforesaid land with another person.

The learned A.P.P. for the State submits that while it is detailed at paragraph-53 of the case diary about entering into an agreement to sell the land by the petitioner with another person but



the description of the plot has not been detailed therein.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Danapur, Patna, in connection with Khagaul P.S. Case No.106 of 2013, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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