

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2554 of 2017

Arising Out of PS.Case No. -428 Year- 2015 Thana -BODHGAYA District- GAYA

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Mahabir Paswan, Son of Late Faguni Paswan, Resident of Village-
Narkatiya, P.S.- Bodh Gaya, District- Gaya.

.... Petitioner

Versus

The State of Bihar.

... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Gaurav Govind, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

ORAL ORDER

2 06-03-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Bodh Gaya P.S. Case no. 428 of 2015, registered under Sections 406
and 420 of the Indian Penal Code.

The accusation is that the informant Manoj Kumar
entered into an agreement with the petitioner to sell his 25 decimals of
land of Khata No. 97, Plot No. 1448 in village-Narkatiya, P.S.
Bodhgaya, District-Gaya accordingly Rs. 2,50,000/- was paid to the
petitioner by the informant. Later on, it was detected that said land was
not exclusive possession of petitioner and his son. Thereafter,
informant made demand to return his money, but petitioner flatly
refused to return the money.

Learned counsel for the petitioner submits that after
family partition the 25 decimals of land of Khata No. 97, Plot No.



1448 was allotted to the share of petitioner and he is still ready to execute the sale deed on payment of remaining consideration amount of Rs. 7,25,000/- out of total consideration of Rs. 9,75,000/-, but with ulterior motive the present case has filled by the informant. Further submission is that informant has also filed Money Suit No. 128 of 2015 in the Court of Sub-Judge-1, Gaya against the petitioner and his son Kailash Paswan on 21.11.2015 prior to filling of the present case. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gaya in connection with Bodh Gaya P.S. Case No. 428 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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