

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51411 of 2017

Arising Out of PS.Case No. -873 Year- 2016 Thana -PATNA COMPLAINT CASE District-
PATNA

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Balle Rai, son of Late Bhagwat Rai, Resident of village Raghurampur Tola,
Chandmari, P.S. Shahpur, District-Patna.

.... Petitioner

Versus

1. The State of Bihar,
2. Shailesh Prasad, Son Late Nawab Lal Rai, Resident of Village-
Raghurampur Tola, Chandmari, P.S. Shahpur, District-Patna.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar

For the Opposite Party/s : Mr. Anuj Kumar Srivastava

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 01-11-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Complaint Case No. 873 (C) of 2016, registered under Sections 420
and 406 of the Indian Penal Code.

The accusation is that the complainant Shailesh Prasad
talked to the petitioner to purchase of 13 ½ decimals of land and after
negotiation Rs. 13,50,000/- was fixed for the same. Accordingly,
informant paid Rs. Five Lakhs at the time of execution of the
agreement to sale and later on Rs. 2,85,000/- also paid to the
petitioner. Thereafter, complainant made request to the petitioner to
execute the sale deed on taking the remaining amount, but petitioner
did not give any heed on it.



Learned counsel for the petitioner submits that, in fact, complainant negotiated with the petitioner to purchase his land, but only Rs. 2,85,000/- was paid by the complainant to the petitioner and remaining amount was not paid due to that reasons, the petitioner did not execute the sale deed. Moreover, the complainant has also filed the Title Suit No. 217 of 2016 pending in the Court of Sub-Judge-I, Danapur for specific performance of the contract, which is pending for disposal.

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 Addl. Chief Judicial Magistrate-I, Danapur in connection with Complaint Case No.873 (C) of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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