

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20785 of 2017

Arising Out of PS.Case No. -240 Year- 2016 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Ram Niwas Rai
2. Ram Vilash Rai Both Sons of late Shivdhari Rai Resident of Village-
Gaurhiya, P.S.- Lakhaura, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 04-07-2017 Heard the parties.

The petitioners seek regular bail in connection with Ghorasahan P.S.Case No.240 of 2016, registered for offences punishable under Sections 323, 327, 341, 406, 387, 467, 468 & 504 of the Indian Penal Code.

The allegation as per F.I.R. is that earlier the petitioners had sold land measuring 10 Dhur to the informant on consideration amount of Rs.4,00,000/-, payment was made, the sale-deed was executed and possession was given and again the petitioners agreed to sell 2 katha of land to the informant as they had loan and for that they took Rs.6,50,000/- and the sale-deed was prepared but they did not executed the same.



It is submitted on behalf of the petitioner that as a matter of fact the petitioner had earlier sold 10 dhur of land to the informant and there was another land adjacent to that and the became greedy and wanted to purchase the same. It is further submitted that even as per allegation, if the petitioners had a loan and not executed the sale deed, the informant has to file a case of specific performance contract. The petitioners are in custody for more than six months.

Heard learned A.P.P. and the learned counsel for the informant. Learned counsel for the informant has drawn attention towards Annexure 'A', 'B' and 'C' of the Counter Affidavit filed by O.P.No.2 showing that the petitioners have received money and a sale-deed was prepared but they refused to sell the land.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of S.D.J.M., Sikrahana at Dhaka, East Champaran in connection with Ghorasahan P.S.Case No.240 of 2016.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper



with the evidence.

- (iii) The petitioners shall co-operate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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