

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51166 of 2016

Arising Out of PS.Case No. -1653 Year- 2014 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Indal Singh, son of Munsif Singh, resident of village- Surgahiya, P.S.-
Parihar, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar,
2. Shambhoo Pathak, son of Late Ganesh Pathak, resident of village-
Sursand, P.S.- Sursand, District- Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate
For the State : Mr. Braj Kishore Prasad, APP
For the Informant : Mr. Kumar Kaushik, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 19-01-2017 Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in Complaint
Case No.1653 of 2014 instituted for the offence under Section(s)
420, 406 Indian Penal Code and Section 138 of the Negotiable
Instrument Act.

From the Complaint Petition, it appears that there is
dispute between the parties on account of purchase of land.

It has been submitted that the petitioner sold land to
the complainant but did not give possession of the land even after
execution of the sale deed.



During the course of argument, both the parties agreed to settle the dispute. It has been agreed between the parties that the petitioner shall deposit Demand Draft of rupees four lacs fifty thousand, which was the consideration amount paid by the complainant to the petitioner for the aforesaid land, in the Court below within a period of two months from today and thereafter within next fifteen days from the date of deposit of the Demand Draft, the complainant shall execute the Sale Deed in favour of the petitioner with respect to the same land and after execution of the Sale Deed, the Court below will hand over the Demand Draft to the complainant. It has also been agreed that in the event the Sale Deed is not executed within fifteen days of deposit of Demand Draft by the complainant, the complainant will forfeit the right to receive the Demand Draft and the same will be returned back to the petitioner.

In the event, the petitioner (Indal Singh) deposits the Demand Draft in the Court below, he shall be released on provisional bail in connection with Complaint Case No.1653 of 2014 to the satisfaction of the Chief Judicial Magistrate, Sitamarhi, on the sureties to be fixed by the Court below itself. In the event, the petitioner deposits the Demand Draft in time and the Sale Deed is executed by the complainant in his favour as



well as both the parties adhere to the terms of settlement, the Court below will confirm the provisional bail of the petitioner.

However, if the petitioner does not deposit the Demand Draft within the period of two months from today, the Court below shall be at liberty to pass necessary orders in accordance with law without taking into consideration the observations made above by this Court.

The applications stands disposed off.

(Sanjay Priya, J)

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