

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13162 of 2017

Arising Out of PS.Case No. -121 Year- 2016 Thana -THARTHARI District- NALANDA
(BIHARSHARIFF)

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Awadhesh Prasad Sinha

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Siddhartha Prasad, Advocate

For the Opposite Party/s : Mr. Manoj Kumar – 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL ORDER

2 18-03-2017

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner apprehends his arrest in connection with Tharthari P. S. Case No. 121 of 2016 registered for offence punishable under Section 406 of the Indian Penal Code.

The informant in her written report has alleged that she had given an amount of Rs. 7,70,000/- to the petitioner for purchasing land measuring 4 kathas of land from him. The petitioner neither executed sale deed in her favour nor returned the money and there by accused committed breach of trust.

Learned counsel for the petitioner submits that there was absolutely no negotiation for any sale as he has no land in Nalanda. The amount, which was taken from the informant as loan, has already been returned as per compromise between the



parties. The informant has neither mentioned about the details of land nor produced any paper of agreement to show the alleged contract of sale. The alleged contract was made in the year, 2007, which is also barred by limitation as no suit for specific performance of contract has been filed within the period of limitation. The dispute is purely a civil dispute which can be determined in full fledged trial.

Learned A.P.P. on the other hand opposes the prayer for bail.

Considering the nature of the allegation, facts and circumstances, let the above named petitioner in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda in connection with Tharthari P. S. Case No.121 of 2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Sanjay Kumar, J)

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