

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15631 of 2017

Arising Out of PS.Case No. -111 Year- 2016 Thana -DIGHA District- PATNA

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Ram Bachan Rai S/o Ram Janam Rai, Resident of Digha Ghat, P.S.- Digha,
District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate.

For the Opposite Party/s : Mr. Nand Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 20-04-2017 Heard both sides.

The petitioner apprehends his arrest in Digha P. S.
Case No. 111 of 2016 registered for the offences under Sections
420 and 406 of the Indian Penal Code.

The informant alleged that a piece of land bearing
Khata No. 1079 Tauzi No. 5176 and RSP No. 1530 is situated by
the side of his house. Ram Bachan Rai (petitioner) took Rs. 20
lakhs from the informant to sell the land to the informant. The
informant requested the petitioner to return the money as the land
was disputed. For repayment of the amount, the petitioner gave
cheques to the informant and the cheques were dishonoured.

Learned counsel for the petitioner submits that the
petitioner had no land by the side of the house of the informant.



From perusal of the agreement, which is the part of the F.I.R. at Page-11, it would appear that in the agreement, no piece of land is situated. The petitioner did not receive any money from the informant. It is further submitted that after the bouncing of the cheques issued by the petitioner, the informant did not lodge any case for the same. From the agreement itself, it appears that if the petitioner fails to execute the sale deed, the informant shall recover the amount in accordance with law. At best, the dispute is of civil nature.

Considering the facts aforesaid and as it appears that the agreement does not state the definite plot number which was agreed to be sold to the informant, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Patna in Digha P. S. Case No. 111 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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