

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9599 of 2017

Arising Out of PS.Case No. -384 Year- 2016 Thana -RAJAUN District- BANKA

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1. Jaldhar Thakur, S/o - Sukhdeo Thakur, resident of Village- Chaksophia,
P.S.- Rajoun, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar
2. Pradeep Kumar Singh, son of late Kamleshwari Prasad Singh, resident
of village-Rajoun, P.S.-Rajoun, District- Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP
Mr. Mritunjay Prasad Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 19-04-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in Rajoun P.S.
Case No.384 of 2016 instituted for the offence under Section(s)
418, 420, 423 Indian Penal Code.

There is allegation against this petitioner that he
received amount of rupees four lacs in cash and rupees two lacs
in the account for sale of the land as per sale agreement prepared
between the parties, which is part of the First Information Report.

Counsel for the petitioner has submitted that rupees
four lacs was taken by the petitioner, which money has already
been returned. In the sale agreement, which is annexed with the
First Information Report, it is mentioned that value of sale



agreement has been fixed rupees four lacs.

Counsel for the informant has appeared and submitted that rupees four lacs was paid in cash and rupees two lacs was given in the account. He admits that rupees four lacs paid in cash has been returned to the informant but rupees two lacs, which has been transferred in the account, has not been returned.

In this manner, this Court finds that such question is purely disputed question of facts for which civil remedy is available to the informant.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Rajoun P.S. Case No.384 of 2016, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, XI, Banka, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by



the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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