

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23815 of 2017

Arising Out of PS.Case No. -1020 Year- 2014 Thana -KHAGARIA COMPALINT CASE District-
KHAGARIA

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Md. Jafir @ Md. Jakir Son of Md. Safique @ Safiqueddin Resident of
Village- Bachhauta, P.S. Morkahi, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Parmanand Tulsian Son of Late Prahlad Ray Tulsian, Resident of
Mohalla- S.D.O. Road Maya Ram Market, Khagaria, P.S.+ District-
Khagaria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Adv.

For the Opposite Party/s : Mr. Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 14-07-2017 Heard both sides.

The petitioner apprehends his arrest in Complaint
Case No. 1020C/2014, registered for the offences punishable
under Section 406 of the Indian Penal Code.

The complainant alleged that the petitioner talked
with him for selling his land. The petitioner took Rs. 6,00,000/- in
presence of the witnesses and executed a deed of agreement to
sell, later on, the petitioner received the remaining amount, but he
refused to execute the sale deed.

Learned counsel for the petitioner submits that the
dispute is of civil nature. If the petitioner fails to execute the sale



deed, the proper remedy available to the informant to file suit under the provision of specific performance of contract Act.

Considering the facts aforesaid, the petitioner above-named, in the event of his arrest or surrender before the 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 Chief Judicial Magistrate, Khagaria in connection with Complaint Case No. 1020C/2014, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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