

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16360 of 2017

Arising Out of PS.Case No. -176 Year- 2016 Thana -GARDANIBAGH District- PATNA

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Niranjan Kumar Sinha, son of Late Braj Kishore Prasad Sinha, resident of Shivpuri, Post. Anisabad, P.S. Gardanibagh, District Patna

.... Petitioner

Versus

1. The State of Bihar
2. Sri Sanjay Kumar, son of Sri Vidyanand Singh, permanent resident of Dhandhanachak, Post Nisarpura, P.S. Beur, District Patna, at present residing at Jagriti Path Shivpuri, in front of Jagdish Sao "Namak wala", Post Anisabad, P.S. Gardanibagh, District Patna

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma, Advocate
For O.P. No.2 : Mr. Madan Mohan Prasad, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar -1, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-04-2017

Heard learned counsel for the petitioner.

The petitioner is apprehending his arrest in connection with Gardanibagh P.S. Case No. 176 of 2016, arising out of Complaint Case No. 1040 of 2016, registered for the offences punishable under Sections 341, 323, 406, 420, 467, 468, 504, 506 and 386/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that an agreement for sale of 4 kathas of land has been made with the informant but allegation is that petitioner has already paid Rs.7.75 lacs and Rs.1.67 lacs is due. However, it has been submitted that petitioner has already paid Rs.10 lacs, which is evident from Annexure-5 to the FIR and it is purely a dispute in civil nature.

Heard learned APP and learned counsel for the informant. Learned counsel for the informant has drawn my



attention towards Annexure-5, which clearly shows that petitioner has paid Rs.7.75 lacs.

Considering the dispute between the parties and the case is still pending, let the petitioner surrender in the court below within a period of one months with a Bank Guarantee for Rs.1.67 lacs and on being deposited the same, which deposit will be subject to the result of this case, the petitioner will be released on bail on furnishing bail bond Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Smt. Sangeeta Rani, Sub-Judge-XIV-cum-ACJM, Patna, in connection with Gardanibagh P.S. Case No. 176 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further conditions that petitioner shall co-operate in the investigation and make himself available before the police as and when required and in the event of failure on his part to appear before the police on two consecutive dates, the prosecution shall be free to move for cancellation of his bail bonds and further petitioner will not induce any witness or tamper with the evidence.

(Vinod Kumar Sinha, J)

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