

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39671 of 2018

Arising Out of PS. Case No.-345 Year-2017 Thana- PATLIPUTRA District- Patna

=====

Arun Prasad Son of Late Ishwar Prasad, resident of Hazari, P.S.- Hilsa,
District- Nalanda, At present resident of Rajapur Mainpura (Babhan Toil),
renter in the House of Shiv Nandan Rai, P.S.- Patliputra, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner : Mr. Kameshwar Singh

For the Opposite Party : Mr. Ram Priya Sharan Singh

For the Informant : Mr. Choudhary Shyamnandan Pd.

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 10-07-2018 Heard the learned counsel for the petitioner,
the informant and the State.

A *Vakalatnama* has been filed on behalf of the
informant during the course of argument.

Let it be taken on record.

The petitioner seeks bail in connection with
Patliputra P.S. Case No. 345 of 2017 dated 15.10.2017
instituted for the offences under Sections 420, 406,
504/34 of the Indian Penal Code.

It has been alleged in the FIR that an
agreement was entered into between one Pushpa and
the wife of the petitioner viz. Indu for purchase of a land
for a consideration amount of Rs. 13,50,000/-. At the
time of agreement, it has been alleged that Rs. 50,000/-



was paid by cheque and rest of the amount was paid in cash. But neither the property has been conveyed to the wife of the informant nor the money has been returned. On deeper probe, the informant learnt that even the documents of the land which were shown to the wife of the informant also were forged and fabricated.

Mr. Rajneeti Prasad, learned advocate for the petitioner has submitted that it does not appear to be probable that at the time of agreement, the entire consideration money would be paid. He has further submitted that if at all it was paid, the informant must come up with/show the receipt of payment.

The petitioner admits of having accepted Rs. 50,000/- as advance against the agreement for sale/purchase of the property. Since the balance consideration amount was not given, the property has not been conveyed to the informant/wife of the informant.

The petitioner is ready to return the amount of Rs. 50,000/- which his wife has received by way of cheque.

So far as the allegation with respect to the documents regarding the property being forged and fabricated, learned counsel for the petitioner has drawn the attention of this Court to the averments made in the



FIR where it has been admitted by the informant that out of 5 decimals of land 1½ decimals were found to be existing and under the possession of the so-called vendor of the said property.

In that view of the matter, it has been submitted that it is a matter of investigation and without there being any conclusive proof of the fact that the documents shown by the wife of the petitioner were forged and fabricated, the petitioner cannot be allowed to remain in custody indefinitely.

Mr. Choudhary Shyamnandan, learned counsel appearing for the informant has submitted that to the best of his knowledge, the wife of the informant/informant has been given the receipt of payment of the consideration amount. Learned counsel for the informant but is not in a position to produce the aforesaid receipts.

Considering the aforesaid facts, the petitioner above named is directed to be released on bail on his furnishing bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Judge-cum-Additional Chief Judicial Magistrate XII, Patna in connection with Patliputra P.S. Case No. 345 of 2017.

However, liberty is granted to the informant to



pray for cancellation of bail of the petitioner, if he is in a position to bring before this Court the receipts given by the petitioner of having received the consideration amount from the informant.

(Ashutosh Kumar, J)

krishna/-

U		T	
---	--	---	--

