

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63269 of 2017

Arising Out of PS.Case No. -195 Year- 2016 Thana -BODHGAYA District- GAYA

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Arjun Yadav

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh No-10

For the Opposite Party/s : Mr. Sri Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 12-01-2018 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bodh Gaya P.S. Case No.195 of 2016 registered for the offences
punishable under Sections 420, 406 and 34 of the Indian Penal
Code.

It is alleged that the informant purchased 3 and 3/4
decimals of land for a total consideration of Rs.18,75,000/-. Out
of total consideration, she paid Rs.13,34,100/- to the petitioner
for making payment to her vendor. The informant went for laying
boundary wall where she came to know that the land is under
litigation and a title suit is going on. Her vendor had relinquished
his right over the said land. The petitioner being a middleman
has, thus, in collusion with vendor, cheated and misappropriated



the amount.

The learned counsel for the petitioner submits that this case is purely a civil dispute. The petitioner had no concern with the transaction between the informant and her vendor. The vendor executed sale deed as per agreement entered into by them. The petitioner was enlarged on bail provisionally on condition that he would make payment of entire consideration amount at the installment of Rs.50,000/- per month but the petitioner violated the condition of bail and so his bail bond was cancelled.

The learned counsel for the informant as well as the learned A.P.P. for the State opposed the submission.

After going through the materials available on record, I find that this case is purely a civil dispute. The petitioner happens to be a middleman. He has denied to have received any consideration from the informant. The petitioner has already paid an amount of Rs.2 lacs in four instalments to the informant and has further issued account payee two cheques for Rs.13,34,000/- in favour of informant which, on presentation, have bounced.

Considering the facts and circumstances of the case, the prayer of bail is allowed. The petitioner, named above, is directed to be released on bail on furnishing bail bond of Rs.25,000/-(Twenty five thousand) with two sureties of like



amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Gaya in connection with Bodh Gaya P.S. Case No.195 of 2016 (G.R. No.2893 of 2016), subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) If the petitioner is found involved in future in similar type of allegation, the prosecution will have liberty to move for cancellation of bail.
- (iv) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

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