

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.63444 of 2018**

Arising Out of PS. Case No.-393 Year-2016 Thana- KHAGARIA

COMPALINT CASE District- Khagaria

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Pawan Kumar Mandal Son of late Umesh Prasad Resident of Village-  
Dhahgana P.S.-Gogari Distt.-Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pawan Kumar son of Baldeo Prasad Resident of usri (Ward No.8)  
P.S. Gogari,Distt.-Khagaria

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Arvind Kumar Singh

For the Opposite Party/s : Mr. Smt. Madhuri Lata

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

ORAL ORDER

2     13-12-2018                      Heard learned counsel for the petitioner, the  
  
complainant and the State.

The petitioner seeks bail in anticipation of his  
  
arrest in connection with Complaint Case No. 393(c) of 2016  
  
in which cognizance has been taken under Section 420 of  
  
the Indian Penal Code.

The petitioner is alleged to have accepted Rs.  
  
2,60,000/- as advance payment for sale of a land for which  
  
the complainant/O.P. No. 2 had agreed to purchase for Rs.  
  
5,00,000/-. The complainant/O.P. No. 2 has alleged that



later he learnt that the property in question was in dispute with one Dhaneshwar Mandal who also prevented the complainant/O.P. No. 2 from fencing the land.

At the time of argument of the present petition, learned counsel appearing for the petitioner has expressed his intention of returning Rs. 2,60,000/- which he had admittedly accepted from the complainant/O.P. No. 2. He, however submits that the complainant/O.P. No. 2 also ought to withdraw the Money Suit which has been filed for recovery of the aforesaid money and should also consider settling the dispute and facilitating the petitioner in getting the complaint quashed because his grievance then would be redressed.

The learned counsel appearing for the complainant/O.P. No. 2, on instructions, submits that the aforesaid proposal of the petitioner is agreeable to him.

On the deposit of Rs. 2,60,000/- by the petitioner with the complainant within a period of three months from today in installments and after obtaining proof of the payment of Rs. 2,60,000/-, the petitioner, shall be released on bail on his surrendering before the learned Court below



and on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, Khagaria/concerned Court in connection with Complaint Case No. 393(c) of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

In the interregnum period of three months, no coercive steps shall be taken against the petitioner.

Needless to state that after the money is paid to the complainant/O.P. No. 2, he shall withdraw the Money Suit and shall also cooperate with the petitioner in getting the complaint quashed/withdrawn.

With the aforesaid observation and direction, the petition is disposed off.

**(Ashutosh Kumar, J)**

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