

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8716 of 2018

Arising Out of PS.Case No. -328 Year- 2017 Thana -DUMRAUN District- BUXAR

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1. Santosh Kumar Choubey, Son of Late Ram Prasad Choubey, R/o Village-
Khirauli, P.S.- Dumraon, Dist- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma

For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

For the Informant : Mr. Brasketu Sharan Pandey.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 27-02-2018 Heard learned counsel for the petitioner and learned

A.P.P. for the State assisted by the learned counsel for the

informant.

Petitioner seeks anticipatory bail in Dumraon P.S. Case

No.328 of 2017 instituted for the offence under Sections 420, 406

of the I.P.C.

It appears that the informant and the petitioner entered

into an agreement to sell the land measuring an area of 6 kathas

for total consideration money of Rs.6,00,000/-. As per agreement

the informant gave Rs.5,00,000/- to the petitioner on three

occasions and an agreement was executed by the petitioner on

3.11.2014. As per agreement petitioner neither executed the sale

deed nor returned the money and so the informant lodged the



above case.

Learned counsel for the petitioner submits that this is purely a civil dispute relating to an agreement. The informant did not pay the consideration money within the stipulated period and so the document could not be executed in his favour. The informant. The informant has remedy to file a suit for Specific Performance of Contract Act.

Considering nature of dispute relating to enforcement of agreement, facts and circumstances prayer for anticipatory bail of the petitioner is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of C.J.M., Buxar, in Dumraon P.S.Case No.328 of 2017 subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Sanjay Kumar, J)

AnilKrSinha/-

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