

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.133 of 2018

Arising Out of PS.Case No. -661 Year- 2016 Thana -MADHUBANI COMPLAINT CASE District-
MADHUBANI

=====

Amar Nath Jha, Son of Late Srimohan Jha, Resident of Village- Madhepur,
Police Station- Madhepur, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Vinay Kumar Jha, Son of Late Ravi Kant Jha, Resident of Village-
Madhepur, Police Station- Madhepur, District- Madhubani.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Opposite Party/s : Mr. Smt. Rita Verma

=====

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

2 15-01-2018 Heard both sides.

The petitioner apprehends his arrest in C.R. No.661 of 2016
registered under Sections 406, 417, 418 and 420/34 of the Indian
Penal Code.

The complainant alleged that the petitioner entered into an
agreement to sell his 18 dhurs of land of Khata No.2904. The
complainant paid Rs.1,02,500/- and a deed of agreement to sell
was executed but the complainant sell the same land in favour of
Kanchan Devi, the wife of cousin brother of the petitioner.

The learned counsel for the petitioner submits that the
petitioner never executed any deed of agreement to sell. The deed



of agreement of sell is not registered one. The signature on the deed of agreement to sell does not resemble with the signature of the petitioner.

Considering the facts, it appears that dispute of civil nature and the complainant may get proper relief in a suit for specific performance of contract, if the petitioner fails to execute the sale in pursuant of the deed of agreement to sell.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks from the date of receipt / production of a copy of this order is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Jhanjharapur, District-Madhubani in connection with C.R. No.661 of 2016, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Sanjeev/-

U			
---	--	--	--

