

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53700 of 2018

Arising Out of PS. Case No.-68 Year-2018 Thana- BARAULI District- Gopalganj

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Pintu Thakur, S/o Indradev Thakur, resident of Village- Bharkuiya, P.S. Barauli, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Chinta Devi, W/o Bhulan Sah, resident of Village- Bisunpura, P.S. Sidhwalia, District Gopalganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Harendra Prasad, Advocate
For the Opposite Party/s	:	Mr. Ahmad Ali, APP
		Mr. Anirudh Kumar Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 17-12-2018

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Informant.

Petitioner seeks bail in **Barauli P.S. Case No.68 of 2018** instituted for the offence under Section(s) 420, 406, 325, 323, 354/34 Indian Penal Code.

It is alleged in the written report that petitioner earlier executed sale deed with respect to the land, in question, on 27.08.2010 in favour of Pawan Thakur. Thereafter, petitioner again executed sale deed on 01.12.2017 in favour of the informant for consideration of Rs.13,10,000/-. Xerox copy of the sale deed dated 01.12.2017 has been produced by the counsel for the informant during hearing of this application.



Counsel for the petitioner has pointed out Annexure-2 from which it appears that informant has paid Rs.1,05,000/- to the informant before *Panches*.

Counsel for the petitioner submits that petitioner will refund rest amount in four equal installments after deducting Rs.1,05,000/- from Rs.13,10,000/-.

In such circumstances, petitioner is directed to make payment of first installment to the informant by Demand Draft and produce valid receipt before the Court below and, in that event, petitioner will be released on provisional bail for a period of six months on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional Chief Judicial Magistrate, XIV, Gopalganj**, in connection with **Barauli P.S. Case No.68 of 2018**, subject to the condition that both the bailors shall be close relative of the petitioner.

During the period of provisional bail, petitioner will make payment of remaining amount to the informant by Demand Draft.

The Court below will confirm the provisional bail of the petitioner after six months or even earlier in the event entire payment is made by the petitioner to the informant.



It is made clear that in the event petitioner defaults in making payment of a single installment, his bail bond will be liable to be cancelled.

The payment made by petitioner to informant will be subject to final decision in the case.

(Sanjay Priya, J)

J. Alam/-

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