

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39928 of 2018

Arising Out of PS.Case No. -851 Year- 2017 Thana -NAWADA District- NAWADA

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1. Lallu Bhagat @ Lalit Prasad Bhagat
2. Gopal Prasad Bhagat both sons of Late Ramchandra Bhagat Resident of Barnwal Dharamshala, Purani Bazar, Nawada, P.S. Nawada, District - Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Naresh Singh son of Late Mathura Singh Resident of Mohalla - Garhpar, Nardiganj Road, P.S. Nawada Town, District - Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 16-08-2018 Heard the parties.

The petitioners are apprehending their arrest in connection with Nawada Town P.S.Case no.851 of 2017 , registered for offences punishable under Sections 341, 323, 406, 420, 379 and 504 of the Indian Penal Code.

Allegation against the petitioners is that petitioner no.2 entered into agreement for sale of a piece of land on consideration money of Rs.51 lac and received Rs.11 lac from the informant and thereafter he has executed the sale deed and now not returning the money.

Submission of the learned counsel for the petitioners is that



Annexure 3 clearly shows that the amount has already been returned to the informant and moreover if there is violation of specific performance, a suit may be filed. This is a case of nature of civil dispute.

Heard learned A.P.P. and the learned counsel for the informant. They have opposed the prayer for bail on the ground that Annexure 3 is forged document and the money was not returned by the petitioner..

Having heard both sides and in view of the facts and circumstances, as stated above , let the petitioners, above named, surrender before the court below within a period of six weeks from the date of order and on surrender they will be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Nawada in connection with Nawada Town P.S.Case nO.851 of 2017, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of their bail bond.



With the aforesaid observation, this application is allowed.

T (Vinod Kumar Sinha, J)

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