

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30099 of 2017

Arising Out of PS.Case No. -202 Year- 2014 Thana -COMPLAINT CASE District- SHEOHAR

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Premranjan Pandey @ Pappu Pandey, Son of Ram Janam Pandey, Resident of Village- Dekuli Dharampur, P.S. Piprahi, District- Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bigan Sah, Son of Late Matar Sah, Resident of Village- Ward No. 9, Sheohar, District- Sheohar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate.
For the opposite party No.2: Mr. Dinesh Jha, Advocate.
For the State : Mr. Ashok Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7 02-01-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Complaint Case No. C-1/202 of 2014** instituted for the offence under Section 420 of the Indian Penal Code.

From the order dated 13.09.2017 and 17.10.2017 passed by different Benches of this Court, it appears that petitioner is ready to execute the sale deed with respect to land in favour of opposite party No. 2. It is also mentioned in the order dated 13.09.2017 that Rs.1,25,000/- has already been paid to the petitioner by opposite party No. 2 and rest amount of Rs.25,000/- will be paid at the time of execution of sale deed.

Learned counsel for the opposite party No. 2 has



appeared and submitted that he has already paid Rs.25,000/- to the petitioner by Demand Draft but sale deed has not been executed by the petitioner.

Learned counsel for the petitioner has submitted that the entire process of execution of sale deed has been completed and sale deed is likely to be executed within a period of four weeks.

In such circumstances, the application is disposed off with a direction to the petitioner to surrender before the court below i.e. learned Additional Chief Judicial Magistrate, Sheohar, within a period of eight weeks from the date of receipt/production of a copy of this order and in the event, the petitioner is able to show before the court below that sale deed has already been executed in favour of the opposite party No. 2, the court below will release the petitioner on anticipatory bail, in connection with **Complaint Case No. C-1/202 of 2014**, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on



two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

It is made clear that in the event the petitioner does not satisfy the court below about executing the sale deed at the time of his surrender, the court below will be at liberty to pass appropriate order in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

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