

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38188 of 2018

Arising Out of PS. Case No.-446 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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1. NEERAJ KUMAR SINGH @ NEERAJ KUMAR, age 45 years
Son of Late Suresh Prasad Singh, Resident of D2 Shanti Enclave
Apartment I/B, Rajendra Nagar, PS- Kadamkuan, District- Patna-
16.
 2. Dilip Kumar aged 47 years, Son of Late Ramlakhan Singh,
Resident of Village- Salimpur, PO- Alipur, Bihta District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Mahesh Singh, aged 48 years, Son of Late Krishna Deo Singh, Resident of
Mohalla- Rampur, P.S.- Bhadurpur, P.O.- Mahendru, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudra Deo
For the Opposite Party/s : Mr. Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 02-07-2018 Heard learned counsel for the petitioners and
learned counsel for the complainant.

Petitioners apprehend their arrest in complaint case no.
446 © of 2017 instituted for the offence under Section(s) 420,
120B, 341, 323 and 504/34 of the Indian Penal Code.

As per the allegation in the complaint petition these
petitioners came at the house of complainant and showed a
baibyana deed which was executed in their favour by land
owner . The complainant gave Rs. 25,00,000/- to land owner
and land owner signed on said baibyana deed. The informant
got knowledge after some time that the land is disputed. The



complainant sent a legal notice to these petitioners and made demand of the money. But they refused to make payment of money.

Learned counsel for the petitioners has submitted that he is ready to return the amount of Rs. 25,00,000/- in ten equal installments which has been paid by the complainant at the time of executing the agreement of sale subject to assurance of the complainant that he will withdraw the case after receipt of the money

Learned counsel for the complainant submits that he will take appropriate steps to withdraw the case in court below after receiving the payment of entire amount of Rs. 25,00,000/- within four weeks from the date of final payment made by the petitioners.

In such circumstances, the application is disposed off with direction to the petitioners to surrender before the Court below i.e. ACJM-IV Patna City, Patna in connection with complaint case no. 446 of 2017 within a period of 04 weeks from the date of receipt/production of a copy of this order along with valid receipt to show that they have paid the first installment of Rs. 2,50,000/- (Two lacs fifty thousand) by way of demand draft to the complainant and also an affidavit that they will



make payment of remaining amount in 09 equal installments and in that even the Court below will release the petitioners on provisional anticipatory bail to its own satisfaction for a period of one year, 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) petitioners 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 petitioners and (3) if petitioners tamper 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 petitioners.

The petitioners will make payment of the remaining amounts in nine installments by demand draft and after submitting valid proof of making payment of entire amount of Rs. 25,00,000/- (twenty five lacs) within aforesaid period, the Court below will confirm the provisional anticipatory bail of the petitioners.

It is made clear that in the event the petitioners does not surrender with valid receipt showing payment of the amount of



first installment as indicated in the order above or in the event of making default in payment of single installment, the Court below will be at liberty to pass appropriate order in accordance with law including cancellation of bail bond of the petitioners. The informant after receipt of aforesaid amount of Rs. 25,00,000/- will take appropriate steps in court below within four weeks to withdraw the case as stated in this court at the time of disposal of this bail petition.

(Sanjay Priya, J)

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