

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59545 of 2017

Arising Out of PS.Case No. -343 Year- 2014 Thana -KANKARBAGH District- PATNA

=====

1. Vijay Kumar, S/o Mahendra Kumar, R/o Village- Korari, P.S.- Nagarnausa, Distt.- Nalanda, at present Khemnichak, Mangal Chowk, P.S.- Ramkrishna Nagar, Distt.- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Dharmsheela Devi, w/o Sri Ram Pravesh Singh, resident of Paimarghat, P.S.-Punpun, District- Patna, at present West Lohiya Nagar, Kankarbagh, P.S.-Kankarbagh, District- Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mayank Mani, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3/ 09-02-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Kankarbagh P.S. Case No.343 of 2014** instituted for the offence under Section(s) 406, 420, 323, 379, 504, 452 Indian Penal Code.

Complaint has been filed with allegation that one agreement was entered between the parties for sale of land. Sale deed was not executed although Complainant had paid Rs.30,60,000/- to the accused-petitioner. Thereafter, Rs.10,18,000/- was returned to the Complainant and Rs.20,42,000/- has not been returned by the accused persons to the Complainant.

Notice was issued to the Opposite Party No.2, which



has validly been served, but the Opposite Party No.2 has not appeared in the case.

Counsel for the petitioner has submitted that he is ready to settle the matter with the Complainant-informant after making payment of the due amount.

In such circumstances, this application is disposed off with direction to the petitioner to surrender before the Court below i.e. **Judicial Magistrate, 1st class, Patna**, in connection with **Kankarbagh P.S. Case No.343 of 2014**, within a period of four weeks from the date of receipt of copy of this order along with Affidavit that he is ready to make payment of the due amount of the Complainant and, in that event, the Court will release the petitioner on provisional anticipatory bail for a period of six months on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to its own satisfaction 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.

Thereafter, the Court below will issue notice to the Complainant-informant and on appearance of the Complainant-informant will pass necessary order for settling the matter between the parties. In the event, matter is settled and the due amount of the Complainant-informant is paid by the petitioner, provisional bail of the petitioner will be confirmed after six months.

It is made clear that in the event Complainant-informant does not appear even after service of notice then the Court below will confirm the provisional bail of the petitioner after six months.

It is further made clear that in the event petitioner does not settle the matter with the Complainant-informant on her appearance by making payment of her due amount, the Court below will be at liberty to pass appropriate order in accordance with law including cancellation of provisional bail of the petitioner.

(Sanjay Priya, J)

JA/-

U		T	
---	--	---	--

