

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65219 of 2018

Arising Out of PS. Case No.-88 Year-2017 Thana- BIBHUTIPUR District- Samastipur

Shambhu Rai Son of Late Makeswar Rai Resident of Village-Chakhaviv
Tola-Jhapahi P.S. Bibhutipur, Distt.-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar

For the Opposite Party/s : Mr. Sri Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 01-11-2018 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner seeks bail in Bibhutipur P. S. Case No.
88 of 2017 instituted for the offence under Section(s) 420 and
406 of the Indian Penal Code.

In the written report, it is alleged that petitioner
entered into an agreement with the informant for purchase of 39
½ decimals of land for a total consideration amount of Rs.
9,50,000/- lakhs. The informant paid an amount of Rs. 9 lakhs in
presence of Mithilesh Rai and Vidyanand Rai and the rest
amount of Rs. 50,000/- was to be paid in presence of Registrar.
The informant requested the petitioner to execute the sale deed
but the petitioner did not execute the sale deed.

Learned counsel for the petitioner has submitted that



instant case is counter blast of the case filed by the wife of petitioner, namely, Sunaina Devi vide Mahila P.S.case no. 9 of 2017 for the offence under Sections 376(b), 341, 373 and 324 of the IPC against the son of the informant and others. It has further been submitted informant has already filed a Title Suit bearing T.S. No. 49 of 2015 which is pending before the Sub Judge -V, Rosera in which the subject matter of of the Title Suit is the agreement in question dated 13.10.2014.

In such manner, it is a case of purely civil dispute for which the informant has civil remedy.

Learned counsel for the informant has appeared and opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the ACJM 1, Dalsingsarai, Dist. Samastipur, in connection with Bibhutipur P. S. Case No. 88 of 2017 subject to the condition that both the bailers shall be the close relative of the petitioner.

(Sanjay Priya, J)

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