

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5261 of 2019

Arising Out of PS. Case No.-1321 Year-2016 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Bhola Gosai Lagan Gosai resident of Village- Damodarpur, P.S.- Paroo,
District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Dinesh Sah Shiv Sah resident of village Damodarpur, P.S.- Paroo, Distt.-
Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 28-03-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with Trial No. 5545 of 2018 arising out of
Complaint Case No. 1321 of 2016 registered for the offence
punishable under Sections 406, 420/34 of the Indian Penal
Code.

Allegation against petitioner is that he had taken Rs.
1,20,000/- from the complainant on the assurance of getting
land executed in his favour but in the meantime, petitioner sold
the said land to another person on higher rate and did not return
the said amount to the complainant.



It has been submitted on behalf of the petitioner that petitioner is innocent and has been falsely implicated in this case. It has been further submitted that complainant has not stated that in which mode i.e. cash or through cheque he has given such a huge amount. There is no any proof of payment of amount. It has been further submitted that there is a civil dispute between the parties with respect to said land. Petitioner has no criminal antecedent and he is in custody since 04.12.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Muzaffarpur, in connection with Trial No. 5545 of 2018 arising out of Complaint Case No. 1321 of 2016 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the 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.

(S. Kumar, J)

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