

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19941 of 2019

Arising Out of PS. Case No.-123 Year-2018 Thana- SANHAULA District- Bhagalpur

SURESH PRASAD SINGH Son of Shyam Lal Mandal @ Shyam Prasad
Singh Resident of Village - Sakrama, P.S.- Sanhaula, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Neelam Kumari
For the Opposite Party/s : Mr.Manish Kumar No2

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-04-2019 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Sanhaula P.S. Case No. 123 of 2018, registered for the
offence punishable under Sections 406 and 420 of the Indian
Penal Code.

The allegation is regarding the informant having
entered into an agreement with the petitioner for a total
consideration of Rs. 8 lakhs to be paid as security deposit for
four shops and a residential accommodation, whereupon the
informant is said to have paid a sum of Rs. 6,21,000/-,
however, later on, the petitioner had rented out the said shops
to some other persons resulting in breach of agreement.



The learned counsel for the petitioner submits that the allegation levelled in the F.I.R. is purely civil in nature and the remedy is available for the petitioner to approach the competent court of civil jurisdiction. Nonetheless, it is submitted that the petitioner has already paid a huge sum of money to the informant. It is submitted that the petitioner is having a clean antecedent and he is languishing in custody since 25.12.2018.

Per contra, the learned counsel for the informant has vehemently opposed the prayer for bail and submits that no money has been repaid to the informant.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Sanhaura P.S. Case No. 123 of 2018.

At this stage, the learned counsel for the informant seeks liberty to pursue his claim before the competent court of civil jurisdiction. Liberty so sought, is granted, since the informant is



free to pursue his claims in accordance with law, even
otherwise.

(Mohit Kumar Shah, J)

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