

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77744 of 2018

Arising Out of PS. Case No.-7 Year-2018 Thana- RAXAUL District- East Champaran

Asgar Ali Son of Late Abdul Hamid Miyan @ Abdul Hamid Resident of
Laxmipur, P.S.-Raxual, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh

For the Opposite Party/s : Mr.Sri Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 03-01-2019 Heard learned counsel for the parties.

Petitioner seeks bail in **Raxual P.S. Case No.7 of 2018**

(arising out of Complaint Case No.298 of 2017) registered for
the offence punishable under Sections 295, 295A/296/323/
327/341/379/384/387/406/420/467/468/471/120B/34 of the
Indian Penal Code.

Informant has alleged that an agreement for sale was
executed between the mother of petitioner and informant for
sale of land. Consideration amount of Rs.13,00,000/- was fixed
out of which Rs.1,00,000/- was paid and remaining 12,00,000/-
was to be paid in different installment within three years. It has
been contended that even after full payment of Rs.13,00,000/-
mother of the petitioner refused to execute the sale deed.

It has been submitted on behalf of the petitioner that
the dispute is of civil nature and no criminal offence is made
out. It has been accepted that petitioner's mother has received



Rs.1,00,000/- but no subsequent payment of Rs.12,00,000/- was made. No receipt showing such payment has been produced by the informant. Petitioner has got no criminal antecedent and is in custody since 09.08.2018.

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/- with two sureties of the like amount each to the satisfaction of learned **S.D.J.M., Raxaul at Motihari, East Champaran** in connection with **Raxual P.S. Case No.7 of 2018 (arising out of Complaint Case No.298 of 2017)** with following conditions:-

(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 shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(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)

ranjan/manoj-

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