

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27512 of 2019

Arising Out of PS. Case No.-45 Year-2019 Thana- BRAHAMPUR District- Buxar

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DILIP KUMAR Son of late Shambhu Prasad Resident of Village - Brahampur
Bazar, P.S.- Brahampur, Dist.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Parmatma Singh

For the Opposite Party/s : Mr.Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 26-04-2019 Heard both sides.

The petitioner apprehends his arrest in Brahampur
P.S. case No. 45 of 2019 registered under Section 406, 420, 504,
506 of the IPC.

The informant alleged that petitioner had talked with
the informant for selling his land and the house situated thereon
and in pursuance of that oral agreement the informant gave Rs.
1,50,000/- on 10.02.2016, Rs. two lacs on 16.03.2016 and Rs.
two lacs on 20.08.2016 and also requested Shankar Dayal
Pandey to give Rs. 4,50,000/-. Thereafter, unfortunately the
petitioner went to jail in connection with Brahampur P.S. case
No. 249 of 2016 and when the petitioner came out of jail the
informant requested him to execute the sale deed but the
petitioner on one pretext or the other evaded the execution of



sale deed. It is further alleged that petitioner returned the money to Shankar Dayal Pandey but did not return the money taken from the informant.

The learned counsel for the petitioner submits that petitioner took no money from the informant for execution of any sale deed with regard to his land and house. One day the petitioner was sitting at his furniture shop the informant and others came and informed the petitioner that officer-in-charge asked him to come but when the petitioner went to the P.S. the officer-in-charge asked the petitioner to return the money of the informant. It is further submitted that entire allegation that petitioner had taken money is false and concocted. The petitioner filed protest petition as well as complaint against the informant and the police officials.

Taking into consideration the facts that, of course, the informant alleged that petitioner had taken Rs. 5,50,000/- from him for execution of sale deed but there is no chit of paper to show payment of money to the petitioner nor any deed of agreement is annexed with the FIR, the petitioner, above named, in the event of his arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on



bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Brahampur P.S. case No. 45 of 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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