

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36623 of 2019

Arising Out of PS. Case No.-54 Year-2019 Thana- PARSABAZAR District- Patna

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1. NEHA KUMARI RAZ @ NEHA KUMARI RAJ D/o Dharmveer Kumar Sathi @ Dhramveer Kumar Sathi Resident of Bari Chariyari, P.S.-Tharthari, District-Nalanda.
 2. Dharmveer Kumar Sathi @ Dhramveer Kumar Sathi Son of Late Singh Narayan Das Resident of Bari Chariyari, P.S.-Tharthari, District-Nalanda.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR.
2. Pankaj Kumar Singh Son of Late Jagdish Prasad Singh Resident of Village-Saidani Chak, P.O.-Dariyapur, P.S.-Parsa Bazar, District-Patna.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 42278 of 2019

Arising Out of PS. Case No.-54 Year-2019 Thana- PARSABAZAR District- Patna

BANWARI PASWAN Son of Late Mathura Paswan Resident of Village-Saidani Chak, P.O.- Dariyapur, P.S.- Parsa Bazar, Distt.- Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR.
2. Pankaj Kumar Singh Son of Late Jagdish Prasad Singh Resident of Village - Saidani Chak, P.O- Dariyapur, P.S.- Parsa Bazar, Distt - Patna.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 36623 of 2019)

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Md. Matloob Rab

(In CRIMINAL MISCELLANEOUS No. 42278 of 2019)

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 21-10-2019 Criminal Miscellaneous No. 36623 of 2019 has been

filed by one Neha Kumari Raz @ Neha Kumari Raj and



Criminal Miscellaneous No. 42278 of 2019 has been filed by one Banwari Paswan. Since both the cases arises out of from the same P.S. case number both are put up together for disposal.

Petitioners seek bail in anticipation of their arrest in connection with Parsa Bazar P.S. Case No. 54 of 2019, registered for the offences punishable under Sections 406/420 of the Indian Penal Code.

As per F.I.R it appears that petitioner Banwari Paswan has entered into an agreement with the informant to sell a piece of land of Rs. 24, 50,000/- and the informant has already paid Rs. 25,65,000/- more than the consideration money. As per allegation petitioner Banwari Paswan has got an agreement between one Navin Kumar Sinha and others and when the informant contacted for sale of piece of land for that an agreement was executed between the parties and total 25,65,000/- has been paid which was more than the consideration money of Rs. 24,50,000/-. However, later on petitioner Banwari Paswan got executed sale deed in favour of Neha Kumari Raz @ Neha Kumari Raj concealing the agreement between the informant and Banwari Paswan.

It further appears that co-ordinate Bench of this Court while considering the application for bail Neha Kumari Raz @



Neha Kumari Raj and Dharmveer kumar Sathi @ Dharmveeer Kumar Sathi has sought instructions of the petitioners and thereafter when the matter was taken up, a settlement has been made at the Bar giving an undertaking that the amount of Rs.12,25,000/- have been received through Banwari Paswan which the petitioners would refund to the informant within six months in equal installments and petitioners later on agree to pay refund the amount.

It further appears that later on petitioner Banwari Paswan was also filed Criminal Miscellaneous No. 42278 of 2019. As such both the cases arises from same P.S. case number they have clubbed together.

The above fact appears from the order dated 13.6.2019 in Criminal Miscellaneous no. 36623 of 2019.

Submission of the learned counsel for the petitioners is that petitioner has already given bank draft of Rs. 2,12,500/- at the first installment to the informant but he has not accepted the aforesaid bank draft. He is still ready to pay the aforesaid amount. Further submission is that informant has also lodged case for Specific Performance of Contract so petitioner is ready to return the amount unless the informant withdraw the suit filed under Specific Performance of Contract.



Learned counsel for the informant who has not controverted the above submission that informant has filed a suit for Specific Performance of Contract. Further submission is that the petitioner has already taken the aforesaid amount first that should be returned.

Having heard both sides, in view of the facts that suit for Specific Performance of Contract is already pending as such, et the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Five Thousand) each with two sureties of the like amount to the satisfaction of learned Chief Judicial Magistrate, Patna, in connection with Parsa Bazar P.S. Case No. 54 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure and further condition is that one of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the Court concerned with further condition that petitioners has to appear before the Civil Court in the Suit filed by the informant and co-operate in disposal of the same.

(Vinod Kumar Sinha, J)

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