

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38079 of 2019

Arising Out of PS. Case No.-834 Year-2018 Thana- KOTWALI District- Patna

RAJIV RANJAN @ RAJEEV RANJAN Son of Late Raj Kishore Prasad
Resident of Village-Loma, P.S.-Tisautia and District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 29-08-2019 Petitioner seeks bail in anticipation of his arrest in connection with Kotwali P.S. Case No. 834 of 2018 registered for the offences punishable under Sections 406, 420 and 120B of the Indian Penal Code.

Prosecution case is that petitioner had a talk with the informant for sale of 16 dhurs of land situated at Muzaffarpur and thereafter it is said that informant has paid Rs.7 lac to the petitioner and further Rs.18.5 lac was transferred to the account of the petitioner through RTGS/NEFT and thereafter on 17.5.2015 an agreement for sale was prepared in between informant and mother of petitioner and it was also decided that rest consideration amount will be paid at the time of execution of sale deed. Further prosecution case is that mother of petitioner died in an accident and after her death informant



contacted with petitioner and made request to execute the sale deed but on some pretext or the other he has not executed sale deed and thereafter he sold the said land to other two persons on 25.11.2015 and 8.1.2016.

Submission of learned counsel for the petitioner is that out of the aforesaid amount he has already returned Rs.10.65 lac from his account and from the account of his mother he has also given Rs.7 lac in cash and he is ready to return rest amount of Rs.7 lac if some reasonable time is granted to him.

Heard learned APP and learned counsel for the informant, who has opposed the prayer on the ground that so far submission of learned counsel for the petitioner that Rs.7 lac has been returned, petitioner has no document in support of that and the same is false. Further submission is that still Rs.14.65 lac is due with the petitioner.

In view of above, it appears that there is claim and counter claim and petitioner is ready to deposit Rs.7 lac, which according to him is dues, as such this application is disposed of with direction to the petitioner to surrender by 25.9.2019 along with a Bank Draft of Rs.1 lac in favour of the complainant and on such deposit petitioner shall be released on provisional bail



to its own satisfaction by the court below for a period six months on condition that he will pay rest of the amount in six equal instalments of Rs.1 lac by way of Bank Draft. Once the total due amount is deposited in the court below, the bail bonds of the petitioners shall be confirmed. It is made clear that on failure to deposit any of the instalments, the bail bonds of the petitioner shall be cancelled, further the complainant is given liberty to file an application for withdrawl of the above amount with an undertaking that he will abide by the final outcome of the case, on that the amount shall be released in his favour and further the above deposit of amount shall not prejudice the case/claim of either petitioner or the complainant.

(Vinod Kumar Sinha, J)

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