

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36439 of 2019**

Arising Out of PS. Case No.-40 Year-2019 Thana- PARBATTa District- Khagaria

SRI VIVEKANAND BHAGAT @ VIVEKANAND BHAGAT Son of Late  
Gauri Shankar Bhagat Resident of Village- Mojagida, P.S.- Parbatta, District-  
Khagariya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                    |
|--------------------------|---|--------------------|
| For the Petitioner/s     | : | Mr.Amrendra Kumar  |
| For the Opposite Party/s | : | Mr.Choubey Jawahar |
| For the Informant        | : | Dr. Amrendra Kumar |

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

4      16-08-2019                      Heard learned counsel for the parties.

Petitioner is apprehending his arrest in connection with  
Parbatta P.S.Case No.40 of 2019 dated 6.2.2019 , registered for  
offences punishable under Sections 406, 420, 379, 504, 506 of  
the Indian Penal Code.

Prosecution story is that the petitioner has taken  
Rs.10,50,000/- from the informant and executed the deed of  
agreement to sale the land mentioned in the deed of the  
agreement on payment of further Rs.50,000/- but he has not  
executed the sale deed and not returning the amount.

Submission of the learned counsel for the petitioner is  
that as a matter of fact no such transaction was made and the  
informant gives the amount on interest and now he is claiming  
the above amount. Further submission is that even according to  
the condition of deed of agreement if the petitioner fails to



execute the sale-deed, the informant will get the sale-deed executed through the process of the court by depositing Rs.50,000/- and as such the case is in the nature of civil suit.

Heard learned A.P.P. and the learned counsel for the informant, who has opposed the prayer for bail stating that the matter was earlier referred to the Mediation and Reconciliation Centre also but the petitioner is not ready to execute the sale-deed nor he is ready to return the amount..

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, in the event of arrest or surrender before the learned court below, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Khagaria in connection with Parbatta P.S.Case No.40 of 2019, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With the above direction, this application is allowed.

**(Vinod Kumar Sinha, J)**

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