

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39145 of 2019

Arising Out of PS. Case No.-241 Year-2019 Thana- FATUA District- Patna

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DINESH TIWARI, S/o Late Haridwar Tiwari, Resident of Village- Bankipur
Gorakh, P.S.- Fatwah, District- Patna.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Shivrath Prasad Jaiswal, S/o Late Mahabir Chaudhary, Resident of Bankipur
Gorakh, P.S.- Fatwah, District- Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Saket Kumar Singh
For the Opposite Party/s : Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 26-06-2019 Petitioner seeks bail in anticipation of his arrest in connection with Fatwah P.S. Case No. 241 of 2019 registered for the offences punishable under Sections 420, 406 and 506/34 of the Indian Penal Code.

Allegation against the petitioner is that he has taken Rs.11,21,000/- from the informant for executing sale deed with respect to a land but he has not executed sale deed.

Submission of learned counsel for the petitioner is that the informant has already filed a suit for specific contract being Suit No. 164 of 2019, pending in the court of Sub-Judge-I, Patna City.

Heard learned APP and learned counsel for the



informant, who has opposed the prayer for anticipatory bail on the ground that money has been taken by the petitioner and till date he has not executed sale deed.

In view of fact that a suit for specific performance of contract has already been filed by the informant, let petitioner, in the event of arrest or surrender before the court below within a period of six weeks from the receipt of this order, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-V Patna City, in connection with Fatwah P.S. Case No. 241 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and further condition is that one of the bailors of the petitioner shall be a local person having sufficient immoveable property within the jurisdiction of the court concerned and further condition is that petitioner has to co-operate in the investigation and also in disposal of the suit for specific performance of contract.

(Vinod Kumar Sinha, J)

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