

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44242 of 2019

Arising Out of PS. Case No.-430 Year-2016 Thana- SITAMARHI District- Sitamarhi

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1. KIRAN DEVI, Wife of Shiv Shankar Paswan Resident of Mehsoul, Baswaria Tola, Kamla Garden Sitamarhi, P.S.- Sitamarhi, District- Sitamarhi
 2. Shiv Shankar Paswan, Son of Late Ram Surat Paswan Resident of Mehsoul, Baswaria Tola, Kamla Garden Sitamarhi, P.S.- Sitamarhi, District- Sitamarhi

... .. Petitioners

Versus

1. THE STATE OF BIHAR
2. Baidyanath Prasad, Son of Late Yugeshwar Prasad Resident of Raman Niwas Naya Tola, North of Mehsoul Railway Station, P.S.- Sitamarhi, District - Sitamarhi

... .. Opposite Parties

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 18-07-2019 Petitioners seek bail in anticipation of their arrest in connection with Sitamarhi P.S. Case No. 430 of 2016 registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

Allegation as per complaint petition, on the basis of which FIR has been registered, is that on the pretext of selling of a piece of land petitioners have taken altogether more than 11 lac rupees and not executed sale deed and when complainant put pressure on them, petitioner No.2 has transferred Rs.2,29,000/-



through cheque to the account of opposite party No.2 and they did not return the rest amount of Rs.9 lac 19 thousand.

Submission of learned counsel for the petitioners is that as a matter of fact they have taken only 3,98,000/-, out of which Rs.2,29,000/- has been returned to the complainant-informant and a case has been lodged against the informant and others in which cognizance has been taken, which will appear from Annexure-2 and petitioners are ready to return the rest of the amount out of Rs.3,98,000/-.

Heard learned APP also.

In view of above facts and circumstances, let petitioners surrender within a period of four weeks and on condition that they will deposit at least the remaining admitted amount, out of which they will produce a Bank Draft of Rs.85,000/- in favour of opposite party No.2 at the time of surrender, they shall be released on provisional bail for a period of three months by the court below itself and during that period petitioners



have to deposit another Bank Draft of Rs.84,000/- in favour of opposite party No.2 and once the total admitted amount is deposited, bail bonds of the petitioners shall be confirmed. Needless to say that on filing of an application by opposite party No.2, the amount shall be released to the informant-opposite party No.2.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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