

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46586 of 2019

Arising Out of PS. Case No.-197 Year-2019 Thana- BETTIAH CITY District- West
Champaran

-
1. Satyanarayn Raut S/o Late Bhola Raut
 2. Vijay Kumar Raut S/o Satyanarayan Raut
 3. Ajay Kumar Raut S/o Satyanarayan Raut
 4. Binay Kumar Raut S/o Satyanarayan Raut
- All are residents of Ward No. 27 Jagjiwan Nagar, P.S.- Bettiah, District-
West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Nath Jha, Advocate

For the Opposite Party/s : Mr. Ashraf Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-07-2019 Heard learned counsel for the petitioners and learned APP
representing the State.

The petitioners apprehend their arrest in connection with
Bettiah (T) P.S. Case No. 197 of 2019, registered under Sections
420 and 406 of the Indian Penal Code and Section 138 of the
Negotiable Instrument Act.

The allegation against the petitioners, as per the FIR, is
that the informant had given an advance of Rs. 3,00,000/- to the
petitioner no.1, Satyanarayan Raut in presence of witnesses
pursuant to Agreement for Sale for the purpose of purchase of
piece of the land bearing plot no. 596 having an area of 1300
Sq. Ft, out of the total consideration amount of Rs. 19,50,000/-.
After sometime the informant gave Rs. 3,50,000/- on different



dates to the petitioner no.1 and others to execute the sale deed and when the informant requested them to take rest of the amount and execute the sale deed, the petitioner no.2 (Vijay Kumar Raut) demanded more money as extortion for execution of sale deed.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case and the dispute is of civil nature. He further submits that admittedly amount of Rs. 4,50,000/- has been paid by the informant and he submits that the petitioner no.1 and others are ready to return the same in two equal installment.

On the other hand, learned counsel for the informant submits that altogether Rs. 6,50,000/- has been paid to the petitioners, however, the offer made by the petitioners to refund a sum of Rs. 4,50,000/- to informant is accepted by him, subject to the condition that for remaining amount, the informant shall have liberty to approach before any other appropriate forum.

After having heard learned counsel for the parties and taking into consideration the fact that the petitioner no.1 is ready to pay the above amount of Rs. 4,50,000/- to the informant in two equal installments, I am inclined to grant anticipatory bail to the petitioners on the condition that the petitioner no.1 will



pay the amount of Rs. 4,50,000/- in two equal installments by way of bank draft in favour of the informant. The first installment of Rs. 2,25,000/- will be paid by the petitioner no.1 to the informant by 16th August, 2019.

This application is, accordingly, allowed, on the above-mentioned condition.

Let the petitioners, abovenamed, in the event of arrest or surrender before the court below within a period of six weeks from today, be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah (T) P.S. Case No. 197 of 2019; subject to condition as laid down hereinabove and under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of surrender, the petitioners will have to show the payment receipt received from the informant before Court below regarding first installment of Rs. 2,25,000/- and balance amount of Rs. 2,25,000 shall be paid by the petitioner by 17th September, 2019.

(Anil Kumar Sinha, J)

S.Katyayan/-

U		T	
---	--	---	--

