

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46273 of 2019

Arising Out of PS. Case No.-808 Year-2018 Thana- COMPLAINT CASE District- Araria

Mantu Sah @ Shankar Prasad Sah, Son of Kishori Sah @ Keshori Sah
Resident of Village - Bakhari, P.S.-Kursakanta, District - Araria At Present -
Resident of Mill Chowk Kursakanta, P.S.- Kursakanta, District - Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pramod Kumar Jha @ Pramod Jha Son of Late Indranand Jha Resident of
Village - Dabhara, Ward No. 01, P.S.- Tarabari, District - Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh
For the Opposite Party/s : Mr.Satya Nand Shukla

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 26-07-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Complaint Case no. 808 of 2018, registered under Section
406 of the Indian Penal Code.

The accusation is that complainant/O.P. No.2
talked to the petitioner to purchase his 8.5 katha of lands on
payment of Rs. 35 Lakhs out of which the complainant paid Rs.
One lakh as token money and later on he paid Rs. Four lakhs,
but due to some unavoidable circumstances, the complainant
could not arrange the remaining amount and due to that reason
sale deed could not be executed. Thereafter, Panchayati was



arranged on 14.01.2018, where Panches decided that out of five lakhs, the petitioner will return Rs. 3,50,000/- to the complainant/O.P. No.2 till 05.03.2018 or to pay the remaining amount to the petitioner for execution of the sale deed.

Learned counsel for the petitioner submits that petitioner is still ready to execute the sale deed to the complainant/O.P. No.2 on receiving the remaining amount of Rs. 30 Lakhs.

On the other hand, learned counsel appearing on behalf of the complainant/O.P. No.2 submits that due to economic problem, the complainant/O.P. No.2 is not able to pay the consideration amount of Rs. 30 Lakhs to the petitioner and he wants to return back his amount of Rs. Five Lakhs by the petitioner, which was taken in advance.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the ACJM-V, Araria in connection with Complaint Case No. 808 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.



with further condition that petitioner will handover the draft of Rs. One Lakh to the complainant/O.P. No.2 at the time of furnishing of bail bond and remaining Rs. 2,50,000/- will be paid by the petitioner to the informant through draft within six months, in installment, if the petitioner fails to pay the said amount to the informant within the stipulated time, the court below will be at liberty to cancel the bail bond of the petitioner.

(Rajendra Kumar Mishra, J)

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