

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48922 of 2019

Arising Out of PS. Case No.-56 Year-2018 Thana- MADHUBANI TOWN District-
Madhubani

=====

Satrughan Yadav @ Satrohan Yadav, Aged about 51 years, Male, Son of Late Bindeshwar Yadav, Resident of Village Basuara, P.S. Town, District Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Anil Prasad Singh

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 07-08-2019 Heard both sides.

Petitioner apprehends his arrest in Madhubani Town P.S. Case No.56 of 2018, registered under Sections 406 and 420 of the Indian Penal Code.

The informant filed complaint case, on the basis of which the present FIR was registered, alleging therein that the petitioner entered into an agreement with the informant to sell a piece of land on consideration of Rs.12,00,000/-. The informant alleged that Rs.10,00,000/- was paid to the petitioner but thereafter petitioner neither executed the sale deed nor returned the money.

Learned counsel for the petitioner submits that of course the agreement was arrived at between the parties but the informant himself did not pay the entire consideration money. The informant



did not submit any chit of paper to show the payment of consideration money to the petitioner. The petitioner was in need of money and he sold his land. It is further submitted that if the petitioner did not obey his part in pursuance of the agreement said to have been executed between the petitioner and the informant, the informant had got civil remedy by filing a suit for specific performance of contract. No offence under Sections 406 and 420 of the Indian Penal Code is made out.

Taking into consideration the facts that the allegation relates to violation of the terms of the agreement and the petitioner denied to have received any consideration amount in pursuance of the agreement, let petitioner, above named, in the event of his arrest or surrender before the court below within four weeks from the date of receipt of this order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Madhubani in connection with Madhubani Town P.S. Case No.56 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

S.KUMAR/-

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

