

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55107 of 2019**

Arising Out of PS. Case No.-378 Year-2017 Thana- GAYA COMPLAINT CASE District-
Gaya

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RAHUL KUMAR PANDEY @ RAHUL KUMAR son of Dharmendra
Pandey Resident of Village- Newtapur, P.S.- Bodhgaya, District- Gaya.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sunil Kumar Sharma @ Sunil Kumar Sinha Son of Late Kameshwar Singh
Resident of Mohalla- Hanuman Nagar, P.S.- Vishnupad, District- Gaya.
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Indrajesh Kumar
For the Opposite Party/s : Mr.Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

2 05-09-2019 Learned counsel appearing on behalf of the

petitioner is permitted to make necessary correction in the

pleading during the course of the day.

Heard learned counsel for the petitioner and learned

learned Additional Public Prosecutor for the State as well as the

complainant.

The petitioner is in custody in connection with

Complaint Case No. 378 of 2017 for the offenses under Sections

323, 420 and 504 of the Indian Penal Code.

The allegation against the petitioner is that he has

taken money from the complainant, opposite party No. 2 but

failed to transfer the land in his favour.



Learned counsel for the petitioner submits that for redressal of such grievance there is provision under the Specific Reliefs Act and as such filing of complaint case is only a pressure tactics. The petitioner is in custody since 30.5.2019.

Learned counsel for the complainant, on the other hand, submits that the petitioner has played fraud in realizing money and refusing execution of sale deed. He further submits that the petitioner has taken money from other persons and as such he does not deserve bail.

Considering the fact that the dispute is with regard to non-execution of sale deed after realizing consideration money, the Court is inclined to grant bail to the petitioner. Let the petitioner, above named, 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 Chief Judicial Magistrate, Gaya in connection with Complaint Case No. 378 of 2017, subject to the condition that the petitioner shall not alienate any land standing in his name without prior permission of the court below.

(Anil Kumar Upadhyay, J)

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