

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58778 of 2019**

Arising Out of PS. Case No.-189 Year-2019 Thana- JAGDISHPUR District- Bhagalpur

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1. DINESH SINGH Son of Late Radhey Singh
2. Bablu Singh Son of Late Radhey Singh
3. Shyam Yadav Son of Gajadhar Yadav

All Resident of Village- Punnaikh Mohanpur, P.S.- Goradih, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                            |                                |
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| For the Petitioner/s :     | Mr.Dhananjay Kumar Gupta, Adv. |
| For the Opposite Party/s : | Mr.Ram Naresh Ray, APP         |
|                            | Mr. Rajendra Kumar Jain, Adv.  |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

3      24-09-2019      Learned counsel for the petitioner submits that during the pendency of this application, petitioner no. 3 has been arrested.

Accordingly, this application, against petitioner no. 3, is dismissed as infructuous.

So far as petitioners no. 1 and 2 are concerned, they apprehend their arrest in connection with Jagdishpur (Goradih) P.S.Case No. 189 of 2019 registered under Sections 406 and 420 of the Indian Penal Code.

Allegation against the petitioners, as per FIR, is that petitioners had entered into an agreement for sale of a piece of land with one Manas Kuamr Mishra on 02.04.2016



appertaining to Khata No. 114, Khesra No. 704, Area 5 katha situated at Mauza- Mohanpur, District- Bhagalpur. The informant has alleged that the amount in question was paid to the petitioner by him after taking loan from his proposed Vendee Manas Kumar Mishra. It is further alleged that the land for which agreement for sale was entered into by the petitioners was found to be disputed.

Learned counsel for the petitioner submits that a sum of Rs. 2 lacs was only paid by the vendee Manas Kumar Mishra in favour of the petitioners and the validity of the agreement was for six months but the vendee failed to pay the total consideration amount of Rs. 9,50,000/- to the petitioners as such sale deed was not executed. He further submits that without prejudice to the rights and contention, the sum of Rs. 2 lacs shall be deposited before the learned court below, subject to condition that said amount may be withdrawn by the original person who had entered into the agreement for sale with the petitioners.

On the other hand, learned counsel appearing on behalf of the O.P.No. 2 submits that in fact a sum of Rs. 2,50,000/- was given to the petitioners by the informant after taking it from Manas Kumar Mishra, however, he accepts the offer made by the learned counsel for the petitioners to deposit a sum of Rs. 2



lacs before the learned court below without prejudice to the rights and contentions.

Having regard to the submissions made by the parties and taking into consideration the fact that petitioners are ready to deposit a sum of Rs. 2 lacs before the learned court below, let petitioners no. 1 and 2, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned CJM, Bhagalpur in connection with Jagdishpur (Goradih) P.S.Case No. 189 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that a sum of Rs. One lac shall be deposited by the petitioners within a period of four weeks from today and the balance amount shall be deposited one month thereafter by 25<sup>th</sup> November, 2019.

It is made clear that at the time of surrender, the proof of deposit of a sum of Rs. One lac along with the surrender-cum-bail application must be furnished by the petitioners no. 1 and 2 before the court below.

It is also made clear that after deposit of entire amount of



Rs. 2 lacs by the petitioners, the original person, who had entered into the agreement for sale with the petitioners, may apply before the learned court below for withdrawal of the amount and the court below shall consider the application and after verifying the correctness of claim made by the person, may release the amount in question in his favour.

This application is, accordingly, disposed of.

**(Anil Kumar Sinha, J)**

sujit/-

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