

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67087 of 2019

Arising Out of PS. Case No.-321 Year-2019 Thana- GAYA KOTWALI District- Gaya

NIRAJ KUMAR @ CHOTTI KUMAR @ CHHOTI KUMAR @ CHOTTI
Son of Vijay Prasad @ Bijay Kumar Lohani Resident of Mohalla- Fatehganj,
Police Station- Kotwali and District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2
For the Opposite Party/s : Mr.Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 24-10-2019 This application, for grant of anticipatory bail, arises out of Kotwali P.S. Case No. 321/2019, disclosing offences under Sections 420, 406, 341, 323, 506 and 34 of the Indian Penal Code.

Allegation as per F.I.R. is that an agreement was made between the petitioner and informant for sale and purchase of a piece of land and consideration amount was fixed as Rs. Forty One Lakh and the informant gave the same to the petitioner but petitioner neither executed sale deed nor returned the money.

Submission of learned counsel for the petitioner is that he has already returned Rs. Thirty Lakhs to the informant, which is evident from Annexure – 2, which is an



agreement showing the receipt of payment to informant and he is ready to return the remaining amount of Rs. Eleven Lakhs.

Heard learned A.P.P. as well as learned counsel for the informant, who has appeared suo motu. Learned counsel for the informant has disputed the agreement with regard to the payment of Rs. Thirty Lakh by the petitioner and agreement and has submitted that the agreement has been prepared by forging the signature of the informant, as the agreement does not contain the signature of informant.

Having heard both sides, considering the facts and circumstances of the case, this application is disposed of with direction to the petitioner to surrender in the court below within six weeks from the date of receipt of a copy of this order along with a bank draft of Rs. Eleven Lakhs drawn in favour of informant, on which, the court below shall release the petitioner on provisional bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) and in the meantime, the court below shall get the agreement showing the receipt of money by the informant by handwriting expert as to whether the said agreement contain the handwriting of informant or not and if it is found that the signature on the agreement is in the handwriting of informant, the court below shall confirm the



provisional bail of the petitioner otherwise, the court below is free to pass any order as he deems fit and proper including cancellation of bail bonds of the petitioner.

(Vinod Kumar Sinha, J)

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