

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17754 of 2020**

Arising Out of PS. Case No.-168 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Shailesh Kumar @ Shailesh Prasad, Son of Late Buddhan Yadav, Resident of
Village- Puranchak, P.S.- Masaurhi, Distt.- Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. Chhotelal Prasad Yadav, Son of Late Dwarika Prasad Yadav, Resident of
Village- Ganesh Bigha, P.S.- and Dist.- Jehanabad.

... .. Opposite Parties

=====

Appearance :

For the Petitioner/s	:	Mr.Paras Nath, Advocate
For the State	:	Ms.Sharda Kumari, A.P.P.
For the Informant	:	Mr. Shailendra Prasad, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-06-2020 This application has been placed for consideration by

the order of the Hon'ble the Chief Justice through virtual court

proceeding.

Heard Mr. Paras Nath, learned counsel for the

petitioner, Ms. Sharda Kumari, learned A.P.P. for the State and

Mr. Shailendra Prasad, learned counsel for the informant.

Petitioner in the present case is seeking regular bail in

connection with Complaint Case No. 168(c) of 2018 registered

for the offences punishable under Section 406/34 of the Indian

Penal Code.

Learned counsel for the petitioner submits that the



petitioner as well as the opposite party no. 2 are well known to each other as they are related and had earlier entered into a land transaction. It is submitted that the petitioner paid the entire amount and the sale deed was executed by opposite party no. 2. In the sale deed no outstanding amount has been indicated however, later on the opposite party no. 2 started claiming a sum of Rs. 1,00,000/- and filed a complaint case making wrong statements therein.

Learned counsel for the opposite party no. 2 has opposed the prayer for regular bail of the petitioner. In course of argument, this Court asked specific question from him as to whether the sale deed executed by the opposite party no. 2 contains any recital indicating an outstanding amount on account of the land transaction, learned counsel has submitted that there is no such recital in the sale deed.

It is, however, submitted that the petitioner has entered into an agreement whereunder he has agreed to pay Rs. 1,00,000/- to the complainant-opposite party no. 2.

Having heard learned counsel for the petitioner and learned counsel for the opposite party no. 2, considering the nature of dispute between the parties and the admission of learned counsel for the opposite party no. 2 that the sale deed



does not contain any recital with regard to the outstanding amount, this Court directs the petitioner above named be released on bail in connection with Complaint Case No. 168(c) of 2018 on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Masaurhi, Patna, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities



concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

vats/Rajeev

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

