

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26846 of 2020

Arising Out of PS. Case No.-655 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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GUDDU KUMAR Son of Amlesh Mahto Resident of Village- Sikandarpur,
Rajaura, P.S.- Mufassil, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Jagnnath Singh, Adv.
For the Informant	:	Mr. Binod Kumar, Adv.
For the State	:	Smt. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-10-2020 Heard Mr. Jagnnath Singh, learned counsel for the

petitioner, Mr. Binod Kumar learned counsel for the informant

and Smt. Veena Kumari Jaiswal, Additional Public Prosecutor

for the state through video conferencing.

2. Petitioner seeks regular bail in connection with

Begusarai Sadar Mufassil PS Case No. 655/2019 registered for

the offence punishable under Sections 409, 420, 465, 466, 467,

468, 469 and 506/34 of the IPC.

3. The allegation against the petitioner as per First

Information Report, is that petitioner represented before

informant that he is the owner of 6 Dhurs of land situated in

Khata No. 490, Khesra No.02, Mauza-Rajaura, P.S. No. 219 at

District Begusarai and petitioner, thereafter, allured the

informant to enter into an agreement for sale of the said land for



a total consideration amount of Rs. 12 Lacs and thereafter, informant entered into an agreement for sale with the petitioner. When agreement for sale was produced for its registration, it came to light that the petitioner is not the owner of the said land and he has entered into the agreement with the informant for a piece of land which belongs to some other person, namely, Rakesh Raushan.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and there is dispute between the owners of the land and the petitioner. However, learned counsel for the petitioner submits that without prejudice to his right and contention, the petitioner is ready and willing to refund the sum of Rs. 10 Lacs in twelve installments within twelve months.

5. On the other hand, learned counsel for the informant vehemently opposes the prayer for bail of the petitioner and submits that petitioner, from the very beginning with an intention to deceive the informant, entered into an agreement for sale for a piece of land, of which the petitioner is not the owner, and has fraudulently, received a sum of Rs. 10 Lacs from the informant. However, learned counsel for the informant, without prejudice to right and contention of the



informant, has accepted the offer of refund by the petitioner within the aforesaid period of twelve months.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that the offer given by the petitioner to refund the advance amount of Rs. 10 Lacs to the informant within twelve months, I am inclined to grant regular bail to the petitioner subject to the condition that entire amount of Rs. 10 Lacs shall be refunded to the informant by the petitioner in the bank account of informant, the number of which shall be provided by the learned counsel for the informant to the learned counsel for the petitioner within a period of one week.

7. It is made clear that at the time of furnishing bail bond, a sum of Rs. 2 Lacs out of total amount of Rs. 10 Lacs shall be handed over to the informant by the petitioner in the court room by way of bank draft and the balance amount of Rs. 8 Lacs shall be deposited in 12 installments in the bank account of the informant by the petitioner starting from the date of furnishing bail bond by the petitioner before the learned court below.

8. Accordingly, let the petitioner, GUDDU KUMAR be released on bail on furnishing bail bond of Rs. 25,000/-



(Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Sadar Mufassil PS Case No. 655/2019.

9. It is also made clear that if the petitioner violates the aforesaid conditions and does not deposit the entire amount within the stipulated period of 12 months, the informant shall be at liberty to move before the appropriate court of law for cancellation of bail of the petitioner.

10. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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