

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33126 of 2020

Arising Out of PS. Case No.-76 Year-2019 Thana- MOHAMMADPUR District- Gopalganj

SAIYED ALI @ SAYUED ALI Son of Late Kitab Ansari R/o Village -
Sidhawaliya, P.S. - Mahammadpur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhramveer

For the Opposite Party/s : Mr.Parmanand Kumar (APP)

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 14-12-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of regular bail arises out of
Mahammadpur P.S. Case No. 76 of 2019 registered for the
offence punishable under Sections 406 and 420 of the Indian
Penal Code.

It is the prosecution's case that the informant had
entered into an agreement with the petitioner to buy a piece of
land, in respect of which, he had paid total sum of Rs.1,20,000/-
in three installments. It is alleged that after having received the
amount, the petitioner is neither executing the sale deed, in
respect of the land in question nor he is returning the amount
received by him.



Learned counsel appearing on behalf of the petitioner has submitted that a dispute, purely of civil in nature, has been given colour of a criminal case. He has submitted that viewed strictly, on the basis of what has been alleged in the F.I.R., no offence under Sections 406 and 420 of the I.P.C. is made out. He has further submitted that a sale deed has in fact been registered in the name of the informant by the petitioner in lieu of the amount received by the petitioner. Taking a line of least resistance, learned counsel appearing on behalf of the petitioner has argued that the petitioner is ready to deposit a sum of Rs. 60,000/- (half of the amount said to have received by the petitioner from the informant) for the purpose of present bail application in the informant's account without any prejudice to his rights and contentions before any appropriate Court/forum subject to final adjudication.

Considering the said stand taken on behalf of the petitioner and the nature of accusation, this application is allowed.

Let the petitioner, above named, be released 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 learned A.C.J.M.-I, Gopalganj in Mahammadpur P.S. Case No.



76 of 2019 subject to submission of proof of payment of an
amount of Rs. 60,000/- in the account of the informant.

(Chakradhari Sharan Singh, J)

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