

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78188 of 2019

Arising Out of PS. Case No.-252 Year-2019 Thana- SOHSARAI District- Nalanda

ABHAY KUMAR Son of Ugrisen Prasad Resident of Village/Mohalla-Kila Garhpar, P.S.-Biharsharif, District-Nalanda and present Resident of G-20, Vijay Nagar, P.S.-Agamkuan, District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binit Kumar

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 10-01-2020 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application for regular bail arises out of **Sohsarai P.S. Case No. 252 of 2019**, disclosing the offences under Sections 420 and 406 of the Indian Penal Code.

The petitioner is in custody since 17.10.2019. The controversy arises out of an agreement between the petitioner and the informant for sale of a piece of land by the petitioner in favour of the informant. It is alleged in the First Information Report that the informant had paid a sum of Rs.17.5 lacs out of total consideration money of Rs.30 lacs. It is alleged that since there was some error in the entry of khata number in the records of the land, mutation could not be done, and, therefore, the



informant wanted refund of the money, which he had paid to the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that it is purely a civil dispute between the petitioner and the informant which has been given colour of a criminal case. He has submitted that the informant has filed a suit for specific performance of contract on 11.07.2019 giving rise to Title Suit No. 225 of 2019 which is pending in the court of learned Sub Judge, Nalanda, and soon thereafter on 20.09.2019, present First Information Report has been filed.

On perusal of the First Information Report and consideration of the submission made on behalf of the petitioner, in my opinion, the case for grant of regular bail is made out.

Considering the above, this application is allowed. Let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand), with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Nalanda at Biharsharif**, in connection with **Sohsarai P.S. Case No. 252 of 2019**, subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in



the event of failure on his part to appear before the court on two consecutive occasions, his bail Bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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