

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87123 of 2019

Arising Out of PS. Case No.-226 Year-2019 Thana- SALAKHUA District- Saharsa

1. MANISH KUMAR Son of Ashok Yadav Resident of Village - Sahuria, P.s.- Salkhua (O.P Banma Ithari), Distt.- Saharsa
2. Sanjay Kumar Son of Tarni Yadav Resident of Village - Sahuria, P.s.- Salkhua (O.P Banma Ithari), Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Neeraj Kumar

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 23-01-2020 Petitioners seek bail in anticipation of their arrest in connection with Salkhua P.S. Case No. 226 of 2019 registered for the offences punishable under Sections 406, 420, 504, 506 and 34 of the Indian Penal Code.

As per prosecution case, petitioner No.1 agreed to sell a piece of land to the informant for a consideration amount of Rs.10.10 lac and for that an agreement was made and thereafter sale deed was executed but informant came to know that the land has already been sold to some others by his father and petitioner No.2 is witness to the sale deed.

Submission of learned counsel for the petitioners is that whole allegation is false and concocted and moreover in



order to settle the dispute they are ready to return the amount if some reasonable time is granted to them.

Heard learned APP and learned counsel for the informant, who has submitted that in the agreement Rs.10.10 lac is mentioned but in the sale deed Rs.10 lac is mentioned.

In view of above facts and circumstances, let petitioner No.2, in the event of surrender, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saharsa, in connection with Salkhua P.S. Case No. 226 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and further condition is that one of the bailors of the petitioner shall be a local person having sufficient immoveable property within the jurisdiction of the court concerned.

So far petitioner No.1 is concerned, he has to surrender within a period of six weeks along with a Bank Draft of Rs.2 lac in favour of informant and on such deposit he shall be released on provisional bail for a period of four months to the satisfaction of the court below, during that period he has to deposit rest amount of Rs.8 lac in four equal instalments through Bank Draft of Rs.2 lac each in the second week of



every month and once the total amount is deposited, his bail bonds shall be confirmed by the court below. On failure to deposit any of the instalments, his provisional bail shall be cancelled.

It is made clear that once the total amount is deposited, on application filed by the informant with undertaking that he will abide by the final outcome of the case, the amount shall be released in his favour and once the total amount is paid sale deed executed by the petitioner shall be returned to the petitioner by the informant.

This application is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

spal/-

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

