

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17136 of 2020

Arising Out of PS. Case No.-179 Year-2013 Thana- RAMPUR District- Gaya

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1. BHUPENDRA SINGH Son of Nageshwar Singh Resident of Village-Bhondal, P.S.- Hunterganj, District- Chatra.
 2. Sanjay Singh @ Sanjay Kumar Singh @ Sanjay Kumar Son of Bhupendra Singh Resident of Village- Bhondal, P.S.- Hunterganj, District- Chatra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dr. Pankaj Kumar Son of Late Mithilesh Kumar Resident of Village-Chandauti (Jaimangal Sadan), P.S.- Rampur, District- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 26-10-2021 Heard Mr. Sandip Kumar Gautam, the learned counsel for the petitioner and Mr. Surendra Kumar Mishra, the learned counsel for the informant/ opposite party no. 2. The State is represented by Mr. Aditya Narayan Singh No. 1, the learned APP .

The petitioners seek bail in anticipation of their arrest in connection with Rampur P.S. Case No. 179 of 2013 instituted for the offence under Sections 406, 420 and 34 of the Indian Penal Code.

The accusation against the petitioners is of having



accepted an amount of Rs. Six Lakhs in all out of the agreed amount of Rs. Eight Lakhs for transferring three transport buses but neither the money was returned nor the buses were transferred in the name of the opposite party no. 2.

The learned counsel for the petitioners submits that there is no dispute that an agreement was entered into between the parties for sale of three transport buses but after giving the initial amount of Rs. Fifty One Thousand at the time of agreement, no further amount was paid by the opposite party no. 2 and, therefore, those buses could not be transferred in his name.

The aforesaid statement made on behalf of the petitioners is seriously disputed by the learned counsel for the opposite party no. 2, who submits that one installment of Rs. Fifty One Thousand has been paid to the petitioners by way of cheque whereas rest of the amount has been paid in different installments but before the witnesses whose names have been stated in the First Information Report.

However, there is no documentary proof of any payment beyond Rs. Fifty One Thousand.



Regard being had to the afore-stated facts, subject to the petitioners paying Rs. Fifty One Thousand to the opposite party no. 2 and obtaining a receipt of the same from him, they shall be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order on producing the receipt of payment of Rs. Fifty One Thousand to the opposite party no. 2 as well as on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Rampur P.S. Case No. 179 of 2013, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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