

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3706 of 2020

Arising Out of PS. Case No.-460 Year-2018 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Nitendra Singh Son of Late Ramchandra Singh Resident of Village - Saidpur,
P.S.- Gopalpur, Distt - Bhagalpur, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dulal Kanti Nandi Son of Late Harendra Nath Nandi Resident of Village -
Vinodpur, P.S.- Town Katihar, Distt - Katihar, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nachiketa Jha,Adv
For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 29-01-2021 Heard the parties.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 323,420,406,467,468 of the Indian Penal Code.

The petitioner had entered into an agreement to purchase property from Shashi Prabha Devi, the mother of the petitioner, on any date after 06.04.2016 on which date, the stamp was purchased. The petitioner and one Ramendra Prasad Singh are witnesses on the said agreement. Shashi Prabha Devi died in the year 2017, vide death certificate at Annexure-4.

Learned counsel for the petitioner submits that the



complainant has remedy in the civil side, however, the complainant has not availed the same nor the agreement speaks that consideration money was paid to the petitioner nor any other document is there to substantiate that the consideration money was paid to the petitioner. Hence, criminal liability of the petitioner is not made out.

Learned counsel for the complainant opposed the prayer for bail on the basis of material available on the record.

In my view, there is no substantial material against the petitioner to compel him to go to jail, hence, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Complaint Case No.460 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the petitioner shall fully cooperate with the investigation/trial of the case and also the petitioner shall not leave the country without permission of the learned Trial Court , failing which the court below shall be



at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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