

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40265 of 2020

Arising Out of PS. Case No.-458 Year-2019 Thana- SAHPUR District- Patna

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LAKSHMAN RAY Son of Late Ramanand Ray Resident of Village -
Jashauta, P.S. - Shahpur, District - Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sheela Devi Wife of Ramjatan Ram Resident of Village - Gayatri Nagar, San Sarai Apartment, Rupaspur, P.S. - Rupas Pur, District - Patna, At present Gram Dibara Jamsaut, P.S. - Shahpur, District - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Choudhary, Adv.
For the Informant	:	Mr. Arvind Kumar, Adv.
For the State	:	Mr. Vivekanand Pathak, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 01-03-2021 Heard Mr. Anil Kumar Choudhary, learned counsel

for the petitioner, Mr. Vivekanand Pathak, learned Public
Prosecutor for the State and Mr. Arvind Kumar, learned counsel
appearing for the informant.

2. Petitioner seeks regular bail in connection with
Shahpur PS Case No. 458/2019 registered for the offence
punishable under Sections 420, 406, 467, 468, 341, 323/34 of
the IPC.

3. The allegation, as per First Information Report, is
that a sum of Rs. 5 Lacs was paid to the petitioner by the
informant for executing sale deed in terms of an agreement for
sale of a piece of land. It is further alleged that despite having
received the sum of Rs. 5 Lacs, the petitioner is not executing



the sale-deed in favour of the informant.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and the total consideration amount for sale of land in question was decided as Rs. 13 Lacs and the informant failed to tender the balance amount of Rs. 8 Lacs to the petitioner due to which, the sale-deed has not been executed.

5. Learned counsel next submits that petitioner is in custody since 01.02.2020. Learned counsel fairly submits that after release on bail, the petitioner undertakes to return the said amount of Rs. 5 Lacs to the informant in installments starting from April, 2021.

6. Learned counsel for the informant, though vehemently, opposed the prayer for bail but in view of offer made by the petitioner, he has accepted the same and submits that the petitioner may be released on provisional bail subject to the payment of Rs. 5 Lacs within a period of one year.

7. Having regard to the submissions made by the parties and taking into consideration the material on record and the offer made by the petitioner which has been accepted by the informant, I am inclined to grant provisional bail to the petitioner subject to the condition that petitioner will pay a sum



of Rs. 5 Lacs in favour of informant in installments within a period of one year starting from April, 2021.

8. Accordingly, let the petitioner, LAKSHMAN RAY be released on provisional bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st Danapur, Patna in connection with Shahpur PS Case No. 458/2019.

9. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines of social distancing.

(Anil Kumar Sinha, J)

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