

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10480 of 2021**

**In
CRIMINAL MISCELLANEOUS No.1321 of 2020**

Arising Out of PS. Case No.-253 Year-2020 Thana- KONCH District- Gaya

=====

ARUN MISHRA Son of Late Bishundeo Mishra Resident of Village -
Kanausi, P.S. - Konch, District - Gaya (Bihar).

... .. Petitioner

Versus

1. The State of Bihar
2. Sarvesh Chandra Mishra Son of Late Krishna Mishra Resident of Village -
Kanausi, P.S. - Konch, District - Gaya (Bihar).

... .. Opposite Parties

=====

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Singh, Advocate
		Mr. Ranjit Kumar, Advocate
For the Informant	:	Mr. Vinod Kumar, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 20-05-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Konch P.S. Case No. 253 of 2020 registered for
the offences punishable under Sections 420, 054, 506/34 of the
Indian Penal Code.

Learned counsel for the petitioner submits that on



bare perusal of the First Information Report it would appear that the present F.I.R. has been lodged only to compel the petitioner and the co-accused to execute sale deed in respect of a piece of land alleging that the consideration for the said piece of land was fixed at Rs. 18 lakhs.

Learned counsel submits that in fact the consideration for the said land is Rs. 50 lakhs and now after giving Rs. 18 lakhs approximately, the informant is trying to compel the petitioner and co-accused to execute a sale deed. In order to show his bonafide the petitioner is ready to refund Rs. 18 lakhs to the informant. Learned counsel submits that amount received from the informant is available with the petitioner and the co-accused.

Learned A.P.P. for the State as well as learned counsel for the informant have though opposed the prayer for bail of the petitioner alleging that the petitioner having received the money with the co-accused is now not executing the sale deed.

Considering the facts and circumstances of the case and nature of dispute being that of a transaction with respect to sale and purchase of a piece of land and the bonafide of the petitioner in offering to pay Rs 18 lakhs to the informant, let the petitioner above named be released on bail on furnishing of bail



bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Konch P.S. Case No. 253 of 2020, subject to the condition that at the time of submission of the bail bond the petitioner shall make available bank draft of Rs. 18 (eighteen) lakhs in favour of the informant and receipt thereof will be submitted with the bail bond in the learned court below whereupon his bail bond shall be accepted and further condition that the remedies whatsoever available to the informant in respect of transaction shall not get prejudiced by virtue of his receipt of Rs. 18 lakhs in terms of the present order and subject to the further condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or



tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

arvind/rajeev

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

