

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9078 of 2022

Arising Out of PS. Case No.-152 Year-2021 Thana- NAUBATPUR District- Patna

Rajnish Kumar Son of Jaleshwar Sharma Resident of Village- Sahar Rampur,
P.S.- Naubatpur, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Priyanka Singh, Advocate.

For the Opposite Party/s : Mr.Anil Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-06-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in a case registered for
the offences punishable under Sections 406, 420/34 of the
Indian Penal Code and later on added Sections 419, 467, 468,
469, 471 of the Indian Penal Code.

Allegedly this petitioner and co-accused persons
misappropriated a sum of Rs. 70,000,00/- given by the
informant for the purpose of purchasing a piece of land and in
this regard two agreements deeds executed but later on
petitioner and co-accused persons denied to transfer the said
land and also did not return the alleged misappropriated money.

The main submissions advanced by learned counsel



for the petitioner are that this petitioner has been languishing in jail since 1.7.2021, as per prosecution story the alleged wrong attracts a breach of a contract which is completely a civil wrong but the informant tried to give the colour of criminal to the alleged civil wrong and the informant should file a civil suit for specific performance of contract if any wrong has been committed with regard to non execution of the alleged agreement.

Learned APP has opposed the prayer for bail.

In view of the above submissions and considering the nature of allegation which mainly attracts a civil wrong and also considering the clean antecedent of this petitioner mentioned in para 3 of his petition and his long custody period a lenient approach can be taken in respect of petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Naubatpur P.S. case No. 152 of 2021.

(Shailendra Singh, J)

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