

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13256 of 2022

Arising Out of PS. Case No.-194 Year-2021 Thana- GAYA MUFASIL District- Gaya

Bhuneshwar Yadav, Son of Lila Yadav Resident of Village- Sudheri, Tola
Murkatta, Majhauli, P.O.- Bara Gandhar, P.S.- Muffasil, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No. 2, Advocate Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar Singh No.1, APP
For the Informant	:	Mr. Ravi Prakash, Advocate Mr. Gagan Deo Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 06-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Gaya
Muffasil P.S. Case No. 194 of 2021 registered for the offence
under Sections 406, 420 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 09.09.2021.

The allegation against the petitioner is to receive
fraudulently, the sum of Rs. 24,10,000/- (Rs. Twenty Four Lac
and Ten Thousand Only) against agreement to sale for a piece of



land bearing Khata No. 912 and Plot No. 920, belongs to this petitioner, through agreement to sale dated 22.04.2019.

Learned counsel appearing on behalf of the petitioner submitted that agreement to sale was not executed by this petitioner as petitioner failed to pay balance amount, in terms of agreement dated 22.04.2019. It is also submitted that dispute is purely of civil nature. It is also submitted that in furtherance of said agreement petitioner only received Rs. 5,11,000/- (Rupees Five Lac and Eleven Thousand Only), along with 4 co-sharers. It is also submitted that rest of payment out of alleged transaction of Rs. 24,00,000/- (Rupees Twenty Four Lac Only) was never made to this petitioner. It is also submitted that petitioner is ready to deposit 50 percent of received amount [Rs. 5,11,000/- (Rupees Five Lac and Eleven Thousand Only)] i.e. Rs. 2,55,500/- (Rupees Two Lac Fifty Five Thousand and Five Hundred Only) to the informant, subject to the outcome of the case. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, submitted that



petitioner admitted to receive Rs. 24,10,000/- (Rupees Twenty Four Lac and Ten Thousand Only) along with 04 (four) co-sharers, through reply of legal notice.

Considering the facts and circumstances as mentioned above, as dispute appears, *prima-facie*, civil in nature, where petitioner is ready to deposit 50% of the received amount [Rs. 5,11,000/- (Rupees Five Lac and Eleven Thousand Only)] i.e. Rs. 2,55,500/- (Rupees Two Lac Fifty Five Thousand and Five Hundred Only) at present coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Gaya Muffasil P.S. Case No. 194 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate/concerned court, subject to the following conditions:

“(i)The first payment of Rs. 1,27,500/- (Rupees One Lac and Twenty Seven Thousand and Five Hundred Only) shall be made to informant through Bank Draft/cash against valid receipt, at the time of furnishing the bail bond, the second payment of Rs. 1,27,500/- (Rupees One Lac and Twenty Seven Thousand and Five Hundred Only) shall made before 07.11.2022, either through Bank Draft or cash against valid receipt, failing which,



learned trial court, shall be at liberty to cancel the bail bond of the petitioner, itself.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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