IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33562 of 2021
Arising Out of PS. Case No.-208 Year-2020 Thana- MANIYARI District- Muzaffarpur

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NAVINDU KUMAR Son of Late Sudhakar Thakur Resident of Village - Raghunathpur Madhuban, P.S.- Maniyari, District - Muzaffarpur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur
		Ms.Vaishnavi Singh
For the Opposite Party/s	:	Mr. Fahimuddin
For the informant	:	Mr. Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 20-01-2022 Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Maniyari Police Station Case No. 208 of 2020, registered for the offences punishable under Sections 341/323/504/406/420 of the Indian Penal Code.

The prosecution case, as per the First Information Report, is that the informant paid a sum of Rs. 78,93,500/- to the petitioner and his family member for purchase of a piece of land, bearing Khata No. 789, Khesra No. 1698/1699, having an area of 42 decimals, against a total consideration amount of Rs. 80,00,000/-. It is alleged that an agreement for sale has been executed, but the petitioner has refused to execute the sale deed in favour of the informant.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to business dispute inasmuch as the petitioner and the informant had entered into a business relating to property dealing and they used to sell and purchase the properties from their fund. He further submits that this fact would be evident from the money transactions between the parties since the year 2013, the details of which has been mentioned in paragraphs 3 to 6 of the supplementary affidavit filed by the petitioner. He further submits that the agreement for sale, which has been produced by the petitioner is not a bona fide agreement inasmuch as from perusal of the same, it would be evident that the stamp paper was purchased in the year 2016 in the name of the informant, but the agreement has been executed by the informant in the year 2018 unilaterally with the forged signature of the petitioner taking advantage of the business relationship between them. He further submits that at best, the allegation made in the First Information Report will give rise to civil dispute and the informant is free to file a suit for specific performance against the petitioner.

On the other hand, learned Counsel for the informant submits that a sum of Rs. 78,93,500/- has been transferred in favour of the petitioner and his wife for the purchase of a piece of land, as mentioned in the First Information Report and from the very inception, the intention of the petitioner was to deceive and cheat the informant and he has been put to wrongful loss of a huge amount by the petitioner.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that there appears to be business relationship and previous money transactions between the parties, charge sheet has already been submitted, and the petitioner is in custody since 15.11.2020, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Muzaffarpur, in connection with Maniyari Police Station Case No. 208 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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