

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46206 of 2022

Arising Out of PS. Case No.-424 Year-2021 Thana- DHANARUA District- Patna

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1. SUDHIR SINGH SON OF LATE SURYADEO SINGH R/O VILLAGE-PIPLAWAN, P.S.- DHANARUA, DIST.- PATNA
 2. RANDHIR SINGH SON OF LATE SURYADEO SINGH R/O VILLAGE-PIPLAWAN, P.S.- DHANARUA, DIST.- PATNA
 3. RANJAY SINGH SON OF LATE SURYADEO SINGH R/O VILLAGE-PIPLAWAN, P.S.- DHANARUA, DIST.- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-11-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offence under Sections 406/420 of the Indian Penal Code.

The case relates to non-execution of sale deed with respect to a piece of land for which the parties have entered into an agreement for sale for the consideration amount of Rs. 67,65000/-

At the very outset, learned counsel appearing for the petitioners submits and admits that the petitioners have



been paid only Rs. 28,00000/- (Twenty eight lakh rupees) against the consideration amount by petitioners and rest amount are still to be paid by the informant. He further submits that as a matter of fact, the agreement to sell is said to have been executed on 24.02.2020 having its effect till 23.11.2020 but the informant after expiry of agreement to sell, sent a legal notice dated 12.03.2021 alleging therein that the petitioners have failed to act upon the agreement to sell. Therefore, no case of specific performance of contract is made out against the petitioners.

Learned counsel for the petitioners, however, further submits that since the agreement to sell has expired and they have been paid Rs. 28,00000/- (Twenty eight lakh rupees) by the informant, accordingly, the petitioners are ready to return the said amount to the informant, if he is willing to accept the same. Hence, the petitioners may be granted the privilege of anticipatory bail.

Learned counsel for the informant, on the other hand, based on instruction submits that the informant is not ready to receive Rs. 28,00000/- (Twenty eight lakh rupees) as the matter is sub-judice before the competent court of law.



Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioner Nos. 1, and 3 carry one more cases other than the present one and the petitioner No.2 bears the clean antecedent.

Considering the facts and circumstances of the case, let the, above named, petitioners in the event of arrest of surrender before the court below within a period of four weeks from the date of order be released on bail on furnishing bail bond of Rs. 25,0000/- (Twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Dhanarua P.S. Case No. 424 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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