

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57544 of 2022

Arising Out of PS. Case No.-302 Year-2022 Thana- TURKAULIYA District- East
Champaran

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Vikash Kumar S/o Late Ramsurat Singh R/o Village- Turkauliya Naya Tola,
P.S.- Turkauliya, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 23-12-2022 This matter is heard through video conferencing.

Heard Mr. Shashank Shekhar, learned counsel
appearing on behalf of the petitioner and Mr. Narendra Kumar
Singh, learned A.P.P. for the State.

The petitioner who is in custody since 21.08.2022
seeks regular bail in connection with Turkauliya P.S. Case No.
302 of 2022, for the offence punishable under Sections
406/120(B) of the Indian Penal Code.

The prosecution case, in brief, is that the petitioner
prepared a sale deed for purchase of 3 katha and 3 dhurs of land
pertaining to Khata No. 116 and Kheshra No. 312 in village
Fukaulia, Motihari for the alleged amount of Rs. 4,70,000/-. The
petitioner, however, refused to get it registered and fled away



from the Registry Office.

Learned counsel appearing on behalf of the petitioner submitted that the sale deed itself was a forged one giving false information of the land. Informant has in fact breached the amount agreed between them and as such the petitioner is innocent. He further submitted that for such dispute there is remedy under civil Court by filing title suit against the petitioner for performance of the agreement. The petitioner is in custody since 21.08.2022 and further submitted that he is ready to pay half of the amount.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Considering the nature of allegation which is primarily civil in nature, this Court would have advised the petitioner and the informant to undergo pre-mediation solution so that they can arrive to an amicable settlement. The petitioner has remained in custody since 21.08.2022 and is ready to return half the amount of the sale agreement i.e. half of Rs. 4,70,000/-.

At this stage, learned counsel appearing on behalf of the petitioner submitted that some time may be granted so that the petitioner may arrange the amount to return back to the informant.



Considering the above submission of the petitioner, the Court below is directed to release the petitioner on provisional bail after half the amount shall be paid on terms and conditions on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Mothihari (East Champaran), in connection with Turkauliya P.S. Case No. 302 of 2022. The same shall be confirmed on such terms and conditions fixed by the Court below.

The above exercise must be completed within a period of three months, if the agreed amount is not paid within a period of three months the bail bond of the petitioner may be cancelled.

(Purnendu Singh, J)

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