

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3144 of 2023

Arising Out of PS. Case No.-844 Year-2021 Thana- MUNGER COMPLAINT CASE
District- Munger

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1. Birendra Prasad S/O Late Rajballav Prasad R/O Bhasaula Danapur, Tola Chak, P.O. - Mobarakpur, P.S.- Phulwarisharif, Distt- Patna.
 2. Sanju Kumari W/O Birendra Prasad R/O Bhasaula Danapur, Tola Chak, P.O. - Mobarakpur, P.S.- Phulwarisharif, Distt- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Madhav Kumar S/O Arun Kumar R/O Village- Raiser, P.O.- Basudeopur, P.S.- Kotwali, Distt- Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Prasad, Advocate

For the Opposite Party/s : Mr. Binod Kumar, Addl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 01-05-2023 Heard learned counsel for the petitioners, State and complainant.

Petitioners apprehend arrest in a case registered for the offence punishable under Section 420/34 of the Indian Penal Code.

It is alleged that the complainant paid total Rs. 11,97,500/- to petitioner no.1 for purchase of a piece of land which was never executed in the name of complainant rather the same was executed in the name of the petitioner no.2 who is wife of petitioner no.1.

Learned counsel for the petitioners submits that petitioner no.1 is ready to deposit the alleged amount that is Rs.



11,97,500/- in equal installments before the Court below. He further submits that there is no role of petitioner no.2 in the transaction.

In that view of the matter, in the event of arrest or surrender within six weeks from today, let both the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger in connection with complaint Case No. 844C of 2021, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure, with further following conditions:

“(i) Petitioner no.1 shall refund Rs. 1,97,500/- to the complainant by way of demand draft and a copy of the same shall be furnished by him while processing bail bonds.

(ii) Rest amount i.e. Rs. 10 lacs shall be refunded by the petitioner no.1 to the complainant by way of demand draft within 12 months in 12 equal installments.

(iii) If the petitioner no.1 fails to refund the aforesaid amount within the stipulated time to the complainant, the latter shall be at liberty to move the Court below for cancellation of bail bond of the petitioner no.1.”

(Prabhat Kumar Singh, J)

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