

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10391 of 2023

Arising Out of PS. Case No.-955 Year-2021 Thana- BANKA District- Banka

Raj Kumar Jha @ Manish Jha S/o Late Nityanand Jha R/o Village- Bahera,
P.S.- Havali Kharagpur, Distt- Munger. At present residing at C/o Sudhakar
Singh, Mohalla- Parvati Colony, Idgah Road, Babu Tola, P.S.- Banka, Distt-
Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Kumar Singh

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in Banka P.S.
Case No. 955 of 2021, registered for the offences punishable
under Section 420 and other allied sections of the Indian Penal
Code.

As per the prosecution case, this petitioner took Rs.
5,50,000/- as an advance money out of total consideration
money of Rs. 12,00,000/- from the informant to sell the land the
description of which is in the FIR. It is further alleged that on
10.10.2020, the petitioner made an agreement to sell the alleged
land to the informant after receiving Rs. 5,50,000/- as an
advance amount, but the petitioner neither executed the sale



deed nor returned the alleged amount. It is further alleged that when the informant demanded his money from the petitioner, petitioner issued a cheque in favour of the informant, but the same was dishonoured.

It is submitted that from bare perusal of FIR, it is apparent that the *Zerbeyanama* executed by the petitioner on 10.10.2020 does not bear the signature of the informant. Moreover, the date of occurrence is 10.10.2020, but the FIR has been lodged on 02.12.2021 there is delay of eight months without any explanation. Petitioner has already returned Rs. 4,15,000/- (Four lacs fifteen thousand) only to the informant through UPI on different dates and in support of that statement of transaction has been annexed as Annexure-2. Petitioner is ready to pay Rs. 1,35,000/- (Rs. One lakh thirty five thousand) only to the informant.

Counsel for the informant however vehemently opposed the prayer for bail.

In view of the undertaking given by the petitioner, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten



thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 955 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-.

- (i) *Petitioner will pay Rs. 50,000/- through cheque to the informant before the court below at the time of furnishing bail bond.*
- (ii) *Rest amount of Rs. 85,000/- in two installments within a period of six months and*
- (iii) *The aforesaid payment shall be subject to the final outcome of the case.*

(Prabhat Kumar Singh, J)

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