

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21744 of 2023

Arising Out of PS. Case No.-850 Year-2022 Thana- GAURICHAK District- Patna

1. Vinod Mehta Son Of Nand Mehta Resident Of Village- And Post- Usfa, P.S.- Gaurichak, Distt- Patna , Bihar
2. Vikash Kumar Son Of Vinod Mehta Resident Of Village- And Post- Usfa, P.S.- Gaurichak, Distt- Patna , Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ajay Kumar Singh Son Of Late Lakshmi Narayan Singh Resident Of Village- Usfa, P.S.- Gaurichak, Distt- Patna , Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishal Vikram Rana, Advocate
For the State : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The informant has entered appearance through his learned advocate, but learned counsel for the informant is not present.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Gaurichak P.S. Case No.850 of 2022 registered for the offences punishable under Sections 341, 323, 379, 420, 427 and 506/34 of the Indian Penal Code. The petitioners have got no criminal antecedent.

Learned counsel for the petitioners submits that under an agreement to sale the petitioners agreed to sale a piece of land



in favour of the informant for certain consideration amount within the given period. According to him, the informant failed to pay the same amount within time and only two days before expiry of agreement he put some amount in the bank account of the petitioners. Learned counsel submits that the petitioners had served series of legal notices upon the informant. It is submitted that on 18.11.2022 a sum of Rs.3,97,000/- was deposited by the informant in the account of the petitioners which they are ready to refund.

Learned counsel for the State points out that as per the First Information Report the informant has deposited a sum of Rs.6,47,000/- three months prior to the date of lodging of the FIR but thereafter it is alleged that the petitioners refused to execute the sale deed and they are not abiding by the terms of the agreement.

Having regard to the nature of disputes and the fact that the petitioners are ready to refund the amount which have been deposited in their account without prejudice to the rights and contentions of the informant which may be available to him, this Court directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount



each to the satisfaction of learned A.C.J.M., Patna City in connection with Gaurichak P.S. Case No. 850 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that while submitting the bail bond in the learned court below the petitioners shall produce a bank-draft covering the amount paid by the informant in the account of the petitioners and the said bank-draft shall be offered to the informant which he may receive with objection or without objection as may be advised to him.

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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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