

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44190 of 2023

Arising Out of PS. Case No.-196 Year-2023 Thana- RAMPUR District- Gaya

Murari Prasad @ Murari Shankar Singh @ Murari Singh S/O Late Bilash Singh R/O Mohalla- Police Line Road, Near Gewal Bigha, Ps. Rampur, Dist. Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Manish Kumar No2
For the Opposite Party/s :	Mr.Navin Kumar Pandey
For the Informant	Mr. Sanjay Kr. Sharma

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 11-09-2023 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

2. The petitioner has prayed for regular bail in the present case registered for the offence punishable under sections 406, 420, 504, 506/34 of the Indian Penal Code and section 138 of the Negotiable Instrument Act.

3. As per allegation in the FIR, a negotiation was made between the informant, petitioner and two others for purchasing a chunk of land on consideration amount of Rs. 56,20,000/-. Informant had given the entire amount to the petitioner and land owner for execution of sale deed but neither the land owner had executed a sale deed nor returned the entire amount to the informant. After applying pressure, petitioner had



handed over six cheques to the informant, which have been bounced.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. Petitioner is simply a middle man and he arranged a meeting with land owner Sarita Kumari to the informant. Petitioner is innocent and he is languishing in judicial custody since 16.4.2023.

5. By way of filing supplementary affidavit, petitioner has given details of money transactions made between the petitioner, land-lady and the informant. In para 10 of the supplementary affidavit, it is mentioned that only Rs. 21.7 lakhs is due and petitioner is ready to return it back within a year.

6. Learned counsel for the informant has not raised any objection.

7. Petitioner is directed that he will deposit Rs. 16,00,000/- (sixteen Lakh) to the informant by way of demand drafts in eight monthly equal installments and each installment will be of Rs. two lakh after release on provisional bail.

8. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on **provisional bail**. The above named petitioner is directed to be enlarged on provisional



bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Gaya in connection with Rampur P.S. Case No. 196 of 2023.

10. The bail bonds of the petitioner shall be accepted by the learned court below on showing receipt of deposit of Rs. **5,000,00/- (Five Lac only)** by the petitioner in the account of informant.

11. This application stands disposed off with a direction to the trial court to confirm the provisional bail granted to the petitioner only after ensuring that the petitioner has deposited the entire amount in eight monthly equal installments, each of Rs. two lac, by way of demand draft as agreed by him before this Court.

12. The aforesaid payment will be the subject to final adjudication in this matter.

(Sunil Kumar Panwar, J)

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