

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44714 of 2023

Arising Out of PS. Case No.-140 Year-2022 Thana- SAHPUR District- Patna

Prabhat Kumar Ranjan @ Uday Samrat @ Udai Samrat, Son of Late Chandradev Yadav, R/O - Vaidehi Apartment, Jagdeo Path, P.S.- Rupaspur, Dist- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Lata, wife of Subhash Chandra Verma, R/O Village- Brahampur, P.O. + P.S. - Brahampur, Dist- Buxar; A/P- flat no. 309, Shivam Apartment, Nahar Road, Saidpur, P.S.- Gopalpur, Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar, Adv. Mr. Shubham Kr. Singh, Adv.
For the State	:	Mr. Pawan Kumar Chaurasia, APP
For the Informant	:	Mr. Dinesh Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 28-07-2023 1. Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

2. At the outset, it is submitted by learned counsel for the petitioner that the supplementary affidavit with the proposal of the compromise has been filed through *online mode* and permission is required to file its hard copy before this Court.

3. Permission is granted.

4. The office is directed to keep the hard copy of



the supplementary affidavit on record.

5. Petitioner seeks regular bail in connection with Sahpur P.S. Case No. 140 of 2022 dated 26.03.2022 registered for the offences punishable under Sections 406 and 420/34 of the Indian Penal Code.

6. It is submitted by learned counsel for the petitioner that the allegation mentioned in the FIR is completely of a civil nature and the same relates to not completing the project of a particular apartment in which the informant had booked her *resort home* and further allegation is that despite the informant's cancellation of her booking, the amount which was deposited by her as booking amount has not been returned by this petitioner with interest but in actual, the petitioner could not start the project on account of dispute of the land, on which the project was to be constructed and no intentional delay was made by the petitioner and moreover, similarly situated co-accused person namely Priya Kumari @ Priya Mishra has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 19269/2023. Further submission is that the petitioner is ready to return the



amount to the informant which is stated to be due on the part of this petitioner after cancellation of the booking of the *resort home* if reasonable time for payment is granted to him and in this regard supplementary affidavit has been filed in which six months time is prayed for by the petitioner.

7. Learned APP appearing for the State as well as learned counsel appearing for the informant has accepted the proposal given by the petitioner.

8. Considering the facts and circumstances of this case as well as the nature of allegation and custody period of the petitioner, this Court is inclined to accept the petitioner's bail prayer. Accordingly, let the petitioner named-above 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 Court concerned in connection with Sahpur P.S. Case No. 140 of 2022 **on the condition that the petitioner shall pay Rs. 7,72,800/- to the informant for which he is agree** and the same is admittedly due on his part and the same relates to booking amount of *resort home* which had been paid by the



informant in connection with petitioner's proposed apartment *within six months from the date of furnishing of bail bond*. If he does not pay the amount in the said period then the privilege of bail so granted by this order shall stand cancelled automatically.

Further, the petitioner shall deposit his passport if he possess, in the Trial Court, and not leave the territory of India without the permission of the Trial Court during trial of his case.

(Shailendra Singh, J)

annu/-

U		T	
---	--	---	--

