

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57767 of 2023

Arising Out of PS. Case No.-292 Year-2023 Thana- MAKHDUMPUR District- Jehanabad

1. Ajay Sharma Son Of Late Brij Nandan Sharma Vill Samochak Ps Makhdumpur, Dist- Jehanabad
2. Umda Devi Wife Of Late Janardan Sharma Vill Samochak Ps Makhdumpur, Dist- Jehanabad
3. Nishi Kumar Son Of Late Brij Nandan Sharma Vill Samochak Ps Makhdumpur, Dist- Jehanabad
4. Ranjit Kumar Son Of Ajay Sharma Vill Samochak Ps Makhdumpur, Dist- Jehanabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-09-2023 Heard learned counsel for the petitioners and the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 417, 406, 420/34 of the Indian Penal Code.

3. As per the prosecution case, it is alleged that these petitioners entered into an agreement to sell a piece of land, but despite taking some advance money from the complainant, they neither executed the sale deed nor returned the money.

4. By filing supplementary affidavit, counsel for



petitioners submitted that present case relates to an agreement for sale of the land and it is the case of informant that he had paid part of the consideration money through cheque to the petitioners. It is next submitted that as a matter of fact, informants side had not given any cheque to the petitioners. However, one of the party, namely, Dhananjay Kumar had transferred Rs. 2,00,000/- to the account of petitioner Ajay Sharma on 25.02.2019 which the petitioner is ready to deposit in the court below without prejudice to his right and contention.

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

5. Considering the facts aforesaid and undertaking given by the petitioners, the petitioners above-named, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, are directed to 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 Additional Chief Judicial Magistrate IV, Jehanabad in connection with Makhdumpur P.S. Case No. 292 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, with further condition

(i) *out of the total amount of Rs. 2,00,000/-,*



(two lakhs), 1,00,000/- (One lakh) will be deposited at the time of furnishing bail bond in the court below through demand draft.

(ii) Rest amount of Rs. 1,00,000/- (One lakh) will be paid in two installments within a period of three months from the date of order.

6. It is made clear that this order is being passed without going into merit of the case, only for the purpose of bail and aforesaid payment shall be subject to outcome of the case.

(Prabhat Kumar Singh, J)

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