

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60804 of 2023

Arising Out of PS. Case No.-15 Year-2022 Thana- DANAPUR District- Patna

RAM PRAVESH RAI, son of Late Ram Swarup Rai R/o- Haabaspur
Adhalgiya Po- Ganghara Ps- Shahpur Akilpur Dist- patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Adv
For the Opposite Party/s : Mr. Jagdhar Prasad, APP
Mr. Saroj Kumar Sharma, Adv
Ms. Kiran Kumari Sharma, Adv
Mr. Anupam Bahadur, Adv
Mr. Vikash Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-10-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State as well as learned counsel for the
informant.

2. The petitioner is apprehending his arrest in connection with Danapur P.S. Case No. 15 of 2022 registered for the offence punishable under Sections 406, 420, 504, 506 and 34 of the Indian Penal Code.

3. 01 *Bigha* and 10 *Kattha* of land was to be conveyed to the informant as per the agreement dated 25-7-2016. When the same has not been done and money has not been returned, present FIR has been lodged in the year 2022, nearly 6 years thereafter.



4. It is submitted by the learned counsel for the petitioner that the dispute between the parties is predominantly civil in nature. The petitioner, aged about 98 years old, is an infirm person and has been made a victim of the circumstances. The execution of the agreement is denied and disputed by the petitioner.

5. The learned APP as well as the learned counsel for the informant submits that the petitioner along with his grandson had taken nearly Rs. 10 lakhs. They have neither executed the sale-deed nor returned the money; and the grandson was taken in custody and was released on regular bail.

6. Considering the rival submissions, nature of accusations and age of the petitioner, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released 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 Additional Chief Judicial Magistrate, Danapur at Patna in



connection with Danapur P.S. Case No. 15 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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