

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62705 of 2022

Arising Out of PS. Case No.-152 Year-2022 Thana- KAKO District- Jehanabad

Nityanand Prasad S/o Yugal Kishor R/v- Amathua, P.S.- Kako, District-
Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner, learned
A.P.P. for the State and counsel for the informant.

The petitioner seeks regular bail in connection with
Kako P.S. Case No. 152 of 2022 lodged under Sections 406, 420
of the I.P.C.

As per the prosecution case, the informant has handed
over Rs.90,000/- to the accused for selling of particular piece of
land. Receiving has alleged to be made on stamp paper, but land
has not been registered. It is due to this reason, the present case
has been filed by the informant.

Learned counsel for the petitioner submits that the
present dispute in crux is that the land has not been registered
even after receiving the money. Counsel for petitioner submits
that from the date of F.I.R., it transpires that the present dispute

is absolutely civil in nature and the remedy is available under the Specific Relief Act but instead of taking the said relief, the present criminal case has been filed.

Counsel further submits that antecedent of the petitioner is clean and he is in custody since 18.08.2022.

Learned counsel for informant Mr. Nitish Kumar, vehemently opposes the prayer for bail and submits that the document has been created by which money has been received and land has not been executed.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-4, Jehanabad in connection with Kako P.S. Case No. 152 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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