

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66282 of 2022

Arising Out of PS. Case No.-365 Year-2021 Thana- DESARI District- Vaishali

Shiv Shankar Singh Son Of Late Shyam Sunder Singh R/V- Bhikhanpura,
P.S- Desari, Dist- Vaishali, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-03-2023 Heard learned counsel for the petitioner, learned counsel
for the informant and learned Additional Public Prosecutor for the
State.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 406 and 420 of
the Indian Penal Code and Section 138 of the Negotiable Instruments
Act.

As per FIR, there is agreement in between the petitioner
and informant to purchase a land pertaining to area 36 decimal in
khata no. 71 khesra no. 1069 situated at village- Bhikhanpura for Rs.
16,70,000/- as full and final consideration. It is further alleged that on
demand of the vendor (petitioner), the informant paid full amount of
consideration through RTGS Cheque and cash mode but the vendor
refused to execute the sale deed in favour of the informant.

It is submitted by learned counsel for the petitioner
that petitioner is innocent and has been falsely implicated in this



case. He submits that there is no agreement between the parties. However, the petitioner is ready to return Rs. 16,70,000/- to the informant within six months. He further submits that the petitioner has no criminal antecedent as stated in para-3 of the bail application.

Considering the facts and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Desri P.S. Case No. 365 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

It is made clear that all the deposits are subject to final outcome of the case against the petitioner and the learned court below would also be at liberty to cancel the bail bonds of the petitioner in case he fails to abide by his undertakings as given in the foregoing paragraph of this order.

(Anjani Kumar Sharan, J)

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