

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72757 of 2023

Arising Out of PS. Case No.-911 Year-2023 Thana- KHAJANCHI HAT District- Purnia

Indrajeet Ranjan Bharti @ Indrajit Ranjan Bharti Son Of Sri Jai Prakash Ram
R/O Village- Newalal Chauk, P.S.- Maranga, District- Purnea

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Shahid Shamim S/O Shamim Akhtar R/O Village- Ekbal Nagar, Madhopara,
P.S.- Khanchi-8, District- Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Advocate
For the State	:	Mr. Nirmal Kumar Sinha, APP
For the informant	:	Mr. Ram Prawesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

2. The petitioner apprehends arrest in connection with
K. Hat (Madhubani) P.S. Case No. 911 of 2023 dated
02.08.2023, instituted for the offence punishable under Sections
406, 420, 504, 506 of the Indian Penal Code.

3. The prosecution case, in short, is that the informant
executed an agreement for sale with the petitioner for total
consideration amount of Rs. 75,00,000/- and the petitioner has
executed agreement for sale on behalf of the land owner. The
informant transferred Rs. 54,00,000/- from his NRI Saving
account in the SBI Bank account of this petitioner bearing No.
41014009162 (IFSC- SBIINOO17475). Out of the aforesaid



amount the petitioner paid only Rs.11,00,000/- to the land owner namely Mahesh Prasad Singh and rest of the amount he did not pay to the owner of the land. The petitioner misappropriated Rs. 43,00,000/- and refused to return the same to the informant. Not only this, the petitioner is threatening to implicate him in SC/ST case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case on the account of land dispute. He also submits that the petitioner and the informant executed an agreement for sale of land and total value of land was Rs. 75 lacs and on 11.08.2022, two agreement had been executed; one between Mahtab Alam and petitioner and another between petitioner and the informant. After execution of sale agreement, the informant definitely paid Rs. 54 lacs on different dates and the petitioner paid all together Rs. 25 lacs to the said Mahtab Alam on different dates and the Mahtab Alam received the said amount and put his signature on the agreement. When the petitioner put pressure upon the informant to pay full and final amount as petitioner is ready to execute sale deed, the informant extended time and again.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.



6. Learned counsel for the petitioner submits that petitioner is ready to return the due amount of Rs. 43,00,000/- to the informant in ten equal installments.

7. Learned counsel for the informant is also ready for the same.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on provisional bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea, in K. Hat (Madhubani) PS Case No.911 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further that the petitioner will make payment of Rs. 43,00,000/- to the informant in ten equal installment; the first installment of Rs. 5,00,000/- shall be paid by the petitioner to the informant by 28th November, 2023, through Demand Draft. Only after payment of first installment, the petitioner shall be released on provisional bail. The petitioner shall thereafter pay the remaining balance amount to the informant in nine equal insallments through Demand Draft.



9. Upon payment of entire amount i.e. Rs.43,00,000/- to the informant, the provisional bail of the petitioner shall be confirmed by the Court below itself.

10. If the petitioner fails to deposit the amount as undertaken by him, Court below will be at liberty to cancel his provisional bail.

11. The application stands disposed of.

(Khatim Reza, J)

Ranjeet/-

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

