

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45635 of 2024

Arising Out of PS. Case No.-237 Year-2023 Thana- PURAINI District- Madhepura

1. Ashok Sharma Son of Late Prakash Sharma Resident of Village - Purani Bazar, P.S.- Puraini Bazar, District- Madhepura.
2. Durga Devi Resident of Village - Purani Bazar, P.S.- Puraini Bazar, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Amaresh Kumar Sinha, Advocate Mr. Ritesh Agrawal, Advocate Mr. Nagadeo Choubey, Advocate
For the Opposite Party/s :		Mr. Anuj Kumar Shrivastava, APP
For the Informant	:	Mr. Uday Chand Prasad, Advocate Mr. Manoj Kumar, Advocate Mr. Pooja Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 21-09-2024 Heard learned counsel for the petitioners; learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioners apprehend arrest in connection with
Puraini P.S. Case No. 237 of 2023 dated 14.11.2023, instituted
for the offence punishable under Sections 406, 417, 420, 468,
504, 506, 34 of the Indian Penal Code.

3. The prosecution case, in short, is that the petitioner
and informant entered into an oral agreement to the effect that
the petitioner will sell a piece of land to the informant for a
consideration money of Rs. 10,00,000/- only. It is further
alleged the informant paid Rs. 6 lakhs to the petitioner in three



equal installment for purchase of the said land. Petitioner no. 1 assured the informant that sale deed will be executed after 30th May, 2023, after cutting of the paddy. Thereafter, they are not ready to execute the sale deed on one pretext or the other.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further stated that petitioner no. 2 is the wife of petitioner no. 1. It is next submitted that the dispute is purely civil in nature. It is very fairly submitted by the petitioners that they have taken Rs. 6 lakhs from the informant for sale of a piece of land which they are ready to refund. Lastly, it has been submitted that the petitioners have no criminal antecedents.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for bail of the petitioner. However, they submitted that the Court may pass appropriate order in view of the fact that the petitioner is ready to pay 6,00,000/- to the informant.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Puraini P.S. Case No. 237 of 2023, they shall 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 Court of 1st Additional District and Sessions Judge-cum-Special Judge, SC & ST Act, Madhepura, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

I. At the time of furnishing bail bonds, the petitioners shall pay Rs.1,00,000/- (one lakh) to the informant through demand draft and thereafter the rest amount shall be paid by the petitioners to the informant through demand draft in five equal monthly installments. The court below upon deposit of the demand draft shall issue notice to the informant and handover the same to him after due verification. The aforesaid payment to the informant shall be subject to final outcome of the trial.

II. Upon deposit of entire amount i.e. Rs. 06,00,000/- provisional bail of the petitioners shall be confirmed.

7. The application stands disposed of.

(Khatim Reza, J)

Sankalp/-

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