

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43486 of 2024

Arising Out of PS. Case No.-324 Year-2023 Thana- DIDARGANJ District- Patna

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1. Ram Kumar Prasad @ Ram Prasad Kumar S/o Late Jhulan Singh R/o vill - Kothiya, P.S. - Didarganj, Distt. - Patna
 2. Vikash Kumar S/o Shri Ram Kumar Prasad R/o vill - Kothiya, P.S. - Didarganj, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vinod Prasad S/o Late Rupam Saw R/o vill - Dariapur Gola, P.S. - Kadam Kuan, Distt. - Patna

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Jitendra Kumar, Advocate
For the State	:	Mr. Ajay Kumar Jha, APP
For Opposite Party No.2	:	Mr. Raj Krishna Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-07-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 406, 420 and 34 of the Indian Penal Code.

3. As per prosecution case, these petitioners entered into an agreement with informant/Opposite Party No. 2 for sale of property. It is alleged that despite receiving Rs. 24,00,000/- (Twenty four lac rupees) pursuant to the agreement, these petitioners did not sale property in favour of informant and also refused to return the consideration money.

4. It is submitted by learned counsel appearing on



behalf of the petitioners that from bare perusal of the F.I.R. it is apparent that dispute between the parties is of civil nature. None of the acts allegedly committed by these petitioners would give rise to criminal liability. It is further submitted that at this stage, without admitting their guilt, petitioners are ready to pay the disputed amount amounting to Rs. 24,00,000/- (Rupees twenty four lacs), in easy installments.

5. Considering the aforesaid facts and circumstances, prayer for grant of anticipatory bail to the petitioners is allowed.

6. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M.F.C., Patna City, in connection with Didarganj P.S. Case No. 324 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, along with the following terms and conditions:

- A. At the time of furnishing bail-bond **Rs. 12,00,000/-** (Rupees twelve lacs) shall be paid to the informant/Opposite Party No. 2 through demand draft.
- B. Rest amount i.e. **Rs. 12,00,000/-** (Rupees twelve lacs) shall be paid to the informant/Opposite Party No.2 through



demand draft in two equal installments within a period of six months from the date of furnishing bail-bond.

C. If petitioner fails to comply the aforesaid direction of this Court, the Court below is free to cancel the bail-bond of the petitioner.

7. It is made clear that without going into the merit of the case, the aforesaid order has been passed only for the purpose of grant of bail.

(Prabhat Kumar Singh, J)

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