

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64657 of 2023

Arising Out of PS. Case No.-20 Year-2021 Thana- VISHNUPAD District- Gaya

Vijay Yadav Son of Late Baleshwar Yadav Resident of Village - Chotan
Bigha, Kendra, P.S. - Bhadawar, District - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Aftab, S/o Saiyad Md. Quam, R/o Ghugharitard, P.S. Bishnupad, Dist.
Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Yadav, Adv.
For the Opposite Party/s : Ms.Nirmala Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 05-03-2024 Heard learned counsel for the petitioner and

learned APP for the State as also counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with

Vishnupad P.S. Case No. 20 of 2021 instituted for the

offences under Sections 406, 420/34 of the Indian Penal

Code.

3. The accusation against the petitioner is that after

taking full payment i.e. Rs. 45 lacs from the Informant for

the purpose of transferring the land property, petitioner did

not transfer, instead he has executed the sale deed of the



land in favour of Ravi Kumar and Manju Devi.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to dirty village politics. He has further submitted that there is an agreement between the petitioner and the Informant for which there is a civil remedy under the Specific Relief Act and, thus, no case is made out in the criminal side. He again points out that the last transaction was made on 25.06.2018 but, the F.I.R. was instituted on 06.02.2021 without there being any plausible explanation for delay in lodging the F.I.R. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 06.12.2022.

5. Learned A.P.P. for the State as well as the Informant have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of



the petitioner as also the dispute being civil in nature, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Vishnupad P.S. Case No. 20 of 2021.

(Rudra Prakash Mishra, J)

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