

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69623 of 2024

Arising Out of PS. Case No.-500 Year-2024 Thana- HAJIPUR SADAR District- Vaishali

Rajesh Ranjan S/o Late Ramji Prasad Singh R/o Village- Vaishali, P.S. and District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 72641 of 2024

Arising Out of PS. Case No.-500 Year-2024 Thana- HAJIPUR SADAR District- Vaishali

Ganesh Pandey S/o Thakuri Pandit @ Thakuri Pandey R/o Village- Vaishali Ramman Chhapra, P.S.- Vaishali, District- Vaishali at Hajipur

... .. Petitioner/s

Versus

1. The State of Bihar
 2. Umesh Prasad Singh S/o Late Nand Kishore Singh R/o Village- Khabra, Adarsh Nagar-3, P.S.- Sadar, Muzaffarpur, District- Muzaffarpur
- Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 69623 of 2024)

For the Petitioner/s : Mr. Binod Kumar
Mr. Ranjit Kumar Thakur
For the State : Mr. Narsingh Tanti
For the informant : Mr. Bindhyachal Singh, Sr. Adv.
Mr. Manish Prakash

(In CRIMINAL MISCELLANEOUS No. 72641 of 2024)

For the Petitioner/s : Mr. Shakti Suman Kumar
For the State : Mr. Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 12-11-2024 1. Since both these anticipatory bail applications arise out of Hajipur Sadar Police Station Case No. 500 of 2024, with the consent of the parties, both these applications are heard together.
2. Heard learned Counsel for the petitioners, learned Senior Counsel for the informant and learned Additional Public



Prosecutor for the State.

3. These applications, for grant of anticipatory bail, arise out of Hajipur Sadar Police Station Case No. 500 of 2024, dated 20.07.2024, disclosing offences punishable under Sections 126(2)/127(2)/115(2)/119(2)/303(2)/308(3)/308(4)/308(5)/318(4)/140(3)/61 of the Bhartiya Nyaya Sanhita, 2023.
4. The prosecution case, as per the First Information Report, is that on 19.07.2024, the petitioner Rajesh Ranjan was to execute sale deed in favour of the informant, but he refused to execute the sale deed despite the informant having paid a sum of Rs. 1,70,00,000/- in favour of the petitioner and his mother. The allegation against the petitioner Ganesh Pandey is that he is a witness to the agreement for sale.
5. Learned Counsel for the petitioner Rajesh Ranjan submits that as per the observation made by this Court on 07.10.2024, a supplementary affidavit has been filed by the petitioner stating therein that the petitioner is ready to return the amount of Rs. 1,70,00,000/- to the informant in instalments within one year. The allegation made in the First Information Report gives rise to civil dispute and the



informant has the remedy in the civil suit.

6. On the other hand, learned Senior Counsel for the informant opposes the prayer for bail and submits that the informant, on the basis of agreement for sale executed between the petitioner Rajesh Ranjan and the informant, paid a sum of Rs. 1,70,00,000/- to the petitioner Rajesh Ranjan and his mother and so far as the remaining consideration amount of Rs. 56,00,000/- is concerned, the informant is ready to pay and he has come with the bank drafts of Rs. 55,00,000/-, copies of which has been annexed at Annexure D series to the counter affidavit filed by the informant. The informant was ready and willing to pay the consideration amount to the petitioner Rajesh Ranjan, but the petitioner Rajesh Ranjan, with dishonest intention, refused to execute the sale deed in favour of the informant. He further submits that in supplementary affidavit, at paragraph 5, the petitioner Rajesh Ranjan has stated that he is still ready to execute the sale deed according to the fix amount and fix land. The informant has also filed a suit for specific performance, bearing Title Suit No. 1420 of 2024, which is pending before learned Sub Judge-I, Vaishali, at



Hajipur.

7. After having heard learned Counsel for the parties and taking into consideration the materials on record and the undertaking given by learned Counsel for the petitioner Rajesh Ranjan, I am inclined to grant provisional bail to the petitioner Rajesh Ranjan.
8. Accordingly, the petitioner Rajesh Ranjan is directed to deposit a sum of Rs. 1,70,00,000/- within seven months before the learned District Court, Vaishali, at Hajipur, who is in seisin of Title Suit No. 1420 of 2024. 25 percent of Rs. 1,70,00,000/- shall be paid within a period of four weeks from today
9. Let the petitioner, Rajesh Ranjan, in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, be released on provisional bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali, at Hajipur, in connection with Hajipur Sadar Police Station Case No. 500 of 2024.
10. This is subject to the condition that the petitioner shall deposit 25 percent of Rs. 1,70,00,000/- within a period of



four weeks from today and shall produce a receipt showing deposit of 25 percent of Rs. 1,70,00,000/- before the learned District Court, Vaishali, at Hajipur, who is in seisin of Title Suit No. 1420 of 2024, at the time of furnishing his bail bond and shall deposit the rest 75 per cent of Rs. 1,70,00,000/- in six equal monthly instalments by 10th day of every month, starting from January, 2025.

11. It is made clear that the learned District Court will confirm the provisional bail to the petitioner if all the instalments, as stated above, are deposited.
12. It is further made clear that if the petitioner fails to pay any of the instalments within the time granted by this Court, his provisional bail bond shall liable to be cancelled.
13. The District Court is directed to put the money deposited by the petitioner Rajesh Ranjan in an interest bearing instrument of scheduled bank.
14. It is also made clear that the money is being deposited taking into consideration the peculiar facts and circumstances of the case and the same shall not prejudice the rights and contention of the parties in Title Suit No. 1420 of 2024 and the present criminal case.



15. Criminal Misc. No. 69623 of 2024 is disposed with the aforesaid observation and direction.
16. So far as considering the fact that the petitioner Ganesh Pandey is only a witness to the agreement for sale and he has not received any money from the informant, I am inclined to grant the petitioner Ganesh Pandey privilege of anticipatory bail.
17. Criminal Misc. No. 72641 of 2024 is, accordingly, allowed.
18. Let the petitioner, Ganesh Pandey, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali, at Hajipur, in connection with Hajipur Sadar Police Station Case No. 500 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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