

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77152 of 2023

Arising Out of PS. Case No.-454 Year-2022 Thana- DANAPUR District- Patna

Devanand Das Son Of Late Bidhya Das R/O Trimurti Nagar, Nasriganj, P.S.-
Danapur, District- Patna Petitioner

Versus

1. The State of Bihar
2. Pappu Kumar, son of Sri Supan Roy, resident of Nasriganj Biscuit Factory
More, P.O.-Digha, P.S.- Danapur, District- Patna.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP
O.P. No. 2 : None

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

ORAL ORDER

4 23-04-2024 Heard learned counsel for the petitioner and learned
APP for the State. Earlier vide order dated 06.12.2023, notices
were issued to O.P. No. 2 which was received by O.P. No. 2.
None appears on behalf of O.P. No. 2.

2. The petitioner seeks bail in Danapur P.S. case No.
454 of 2022 instituted for the offences under Sections 406, 420
and 34 of the Indian Penal Code.

3. Prosecution allegation, in short, is that the accused
persons including the petitioner entered into an agreement for
purchase of land with the complainant/informant and jointly
received Rs. 9,00,000/- as advance money and later a total
amount of Rs. 18,10,000/- was paid by the complainant to the
accused persons. The accused persons including the petitioner



were thereafter delaying the matter on one pretext or the other. Thereafter, the complainant requested to either register the said land in his favour or return the money.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Earlier a complaint was filed by the complainant which was later converted into F.I.R. under the provisions of Section 156(3) of Cr.P.C. It is alleged that petitioner along with others have taken Rs. 18,10,000/- for registration of a land. Learned counsel for the petitioner submits that the dispute is civil in nature for which the complainant/informant was required to file civil suit for specific performance of contract. The petitioner is in custody since 09.07.2023 and has no criminal antecedent. Learned counsel for the petitioner submits that the matter is with respect to accounting and admits that petitioner had taken Rs. 9 lakhs from the complainant which he is ready to return but in monthly installments. Charge in this case has already been framed.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner,



the charge being framed and the fact that petitioner is ready to return Rs. Nine lakhs to the complainant, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Danapur P.S. case No. 454 of 2022 with a condition that after release the petitioner shall return a sum of Rs. Nine Lakhs in eighteen equal monthly installments of Rs. 50,000/- each and the first of such installments shall be paid by the petitioner to the complainant/informant within one month of his release. Thereafter, the petitioner shall return the rest amount in 17 installments of Rs. 50,000/- each in next 17 months.

8. If the petitioner fails to comply with the above condition, the complainant/informant will have liberty to file application for cancellation of bail granted to the petitioner.

(Rudra Prakash Mishra, J)

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