

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.629 of 2024

Arising Out of PS. Case No.-326 Year-2023 Thana- SAHPUR District- Patna

Kiran Kumar Sinha Son Of Late Vaidyanath Prasad Sinha R/O Village- Usari,
P.S.- Shahpur, District- Patna

... .. Petitioner

Versus

1. The State of Bihar

2. Narmadeshwar Prasad Singh, age 59, son of Ayodhya Prasad, Village
Dhibra Police Station Sikarpur, Police Station Shahpur, Patna

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Vinayak Harshvardhan, Advocate

For the Opposite Party : Mr.Uday Pratap Singh, A.P.P.
M. Saifur Rahman, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 25-07-2024

Heard learned counsel for the parties.

2. Petitioner apprehends his arrest in a case registered for the offence punishable under Sections 341, 323, 379, 420 and 406/34 of the Indian Penal Code.

3. As per the prosecution case, petitioner entered into agreement for sale of some property and he took Rs.45 lacs from opposite party no.2 but despite receipt of the aforesaid amount, he did not execute the sale deed in favour of opposite party no.2.

4. Learned counsel for the petitioner submits that the dispute is purely of civil nature and the act allegedly committed by the petitioner does not attract criminal liability against the petitioner. However, petitioner is ready to return said amount of Rs.45 lacs to opposite party no.2 in instalments. Today, in the court, demand draft, namely, DDA 087936 of Dakshin Bihar Gramin Bank, numbered as 087936 800834032, of Rs. 5 lacs is handed over to learned counsel for opposite party no.2 by learned counsel for the petitioner for handing over the draft to



opposite party no.2.

5. Considering the submission of learned counsel for the petitioner, in the event of arrest/ surrender within a period of six weeks from today, let the petitioner, named above, be released on provisional bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Danapur in Shahpur Police Station Case No. 326 of 2023, subject to conditions laid down u/s 438(2) of the Cr. P. C., as well as on the following conditions:-

(i) Since petitioner has returned Rs.5 lacs to opposite party no.2 in the Court today itself by way of demand draft mentioned herein above, the petitioner shall now return Rs. 40 lacs to opposite party no.2 in three equal instalments in six months.

(ii) If the petitioner complies with the aforesaid condition, provisional bail allowed to him shall be confirmed by the court below itself, otherwise court below shall pass order for cancelling the bail bonds.

(Prabhat Kumar Singh, J)

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