

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28107 of 2025

Arising Out of PS. Case No.-917 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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Jay Kumar Son of Late Awdhesh Prasad Resident of Village - Janipur, P.S. -
Janipur, District - Patna, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manoj Kumar Pathak Son of Late Baidnath Pathak Resident of Village -
Kudhar Buddha, P.S. and P.O. - Garkha, District - Chhapra, Bihat, at present
residing at New C.I.D. Colony, P.S. - Shastri Nagar, District - Patna, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Md Fahar Imran, Adv.
For the Opposite Party/s	:	Mr. Humayou Ahmad Khan, APP
For the O.P. No.2	:	Mr. Gauri Shankar Thakur, Adv.

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

ORAL ORDER

3 15-05-2025 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the Informant.

2. The petitioner seeks bail in connection with
Complaint Case No. 917(C) of 2017 instituted for the offences
under Sections 406, 420, 323, 379, 504 of the Indian Penal
Code.

3. As per prosecution case, the Complainant entered
into an agreement for sale with the father of the petitioner
namely Awadhesh Prasad to purchase land after receiving total
consideration amount of Rs. 6,12,000/- by the petitioner and his
father. Thereafter, the petitioner registered 1 Katha land in



favour of the Complainant. It is further alleged that the land which was seen by the Complainant was not registered by the petitioner in favour of the Complainant.

4. Without going into the merits/intricacies of the case, learned counsel for the petitioner, referring to Para-8 of the supplementary affidavit, submits that to avoid the multiplicity of the litigation, the petitioner is ready to return the principal amount of Rs. 6,12,000/- to the Complainant/O.P. No.2 in three equal installments.

5. Learned counsel for the Complainant/O.P. No.2 has no objection to such prayer of the learned counsel for the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also the fact that the petitioner is ready to pay the principal amount of Rs. 6,12,000/- to the O.P. No.2, 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 Complaint Case No. 917(C) of 2017, subject to the following conditions;

(i) The petitioner will pay the entire principal amount



i.e. Rs. 6,12,000/- in three equal installments to the Complainant/O.P. No.2. The first installment of Rs. 2,04,000/- will be paid by the petitioner at the time of furnishing bail bonds and the rest of the two installments will be paid by the petitioner within a period of three months thereafter.

(ii) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(iii) In case of non-compliance of any of the terms and conditions, stated herein above, the prosecution will be at liberty to move for cancellation of the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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