

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48849 of 2024

Arising Out of PS. Case No.-9133 Year-2023 Thana- PATNA COMPLAINT CASE District- Patna

Hemant Kumar Son Of Kailash Garai Resident At Shyama Kailash Kunj,
West Krishna Nagar, Main Bypass, P.S. - Ramkrishna Nagar, District - Patna
... .. Petitioner

Versus

1. The State Of Bihar
2. Sadan Kumar Son Of Sri Chamari Prasad Resident Of Muhalla - Lodipur,
P.O. - Hulasganj, P.S. - Hulasganj, District - Jehanabad, Pin Code - 804407
At Present Resident Of Sardar Patel Nagar, Gali No.5, Near Parsa Bazar
Police Station, District - Patna 804453 Opposite Parties

Appearance :

For the Petitioner	:	Mr. Adil Abas, Advocate
For the Opposite Parties	:	Mr.Madhura Nand Jha, A.P.P. Mr. Nikhil Kr.Agrawal, Advocate Mr. Yash Sahay, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 13-02-2025 Heard learned counsel for the petitioner, the State and
opposite party no.2.

2. The petitioner apprehends arrest in a case registered
for the offence punishable under sections 417 & 420 of the
Indian Penal Code.

3. As per the prosecution case, complainant under an
agreement to purchase 8 katha land from the petitioner paid him
total Rs. 38,21,000/- but the petitioner neither executed the sale
deed nor returned money to the complainant.

4. It is submitted by petitioner that from bare perusal
of the complaint, it is clear that the dispute is purely of civil
nature and no criminal offence is attracted. It is also submitted
that pursuant to agreement complainant gave only 9 lacs out of
which petitioner has already returned Rs.8.5 lacs to the
complainant. However, petitioner is ready to deposit Rs.21 lacs
in the Nazarat of the concerned Civil Court, without prejudice to



his right and contention.

5. Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within eight weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st class, Patna in Complaint Case No. 9133/2023, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure as well as on following conditions:-

(i) At the time of furnishing bail bond, Rs. 6 lacs shall be deposited by the petitioner in the Nazarat of the Court below.

(ii) Rest amount of Rs. 15 lacs shall be deposited by the petitioner in five equal installments within one year from today.

(iii) If the petitioner fails to comply with the aforesaid direction of this court, the court below shall be at liberty to cancel the bail bonds of the petitioner.

6. It is made clear that without going into the merit of the case, aforesaid order has been passed only for the purpose of grant of bail and this deposit would be subject to the final result of the criminal case.

(Prabhat Kumar Singh, J)

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