

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72449 of 2024

Arising Out of PS. Case No.-258 Year-2023 Thana- GHORASAHAN District- East
Champaran

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1. Manju Lath W/o Sri Pawan Agrawal @ Pawan Kumar Lath R/o Village-Puruhiya, P.S.- Ghorasahan, District- East Champaran
 2. Ashok Kumar S/o Sri Pawan Agrawal @ Pawan Kumar Lath R/o Village-Puruhiya, P.S.- Ghorasahan, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Pramod Kumar Son of Nagendra Prasad Kushwaha R/o Village-Madhurapur, P.S.- Pipara, District- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 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 406, 420, 506/34 of the Indian Penal Code.

3. As per the prosecution case, informant gave Rs. 13 lacs to the petitioner for purchase of the land, but the petitioner sold the said land to some other person and has not returned the aforesaid amount to the informant.

4. It is submitted on behalf of the petitioner that from bare perusal of the FIR it is clear that the dispute is purely of civil nature and no criminal offence is attracted against the petitioner. However, without admitting his guilt and without prejudice to his right and contention, petitioner is ready to deposit Rs. 8 lacs in instalments in the Nazarat of the concerned Civil Court, subject to outcome of the case.



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 the Additional Chief Judicial Magistrate III, Sikarahana, Dhaka, Motihari in Ghorasahan Police Station Case No. 258 of 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. 4 lacs shall be deposited by the petitioner in the Nazarat of the Court below.
- (ii) Rest amount of Rs. 4 lacs shall be deposited by the petitioner in four equal installments within six months.
- (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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