

Patna High Court - Orders

Raghvendra Kumar vs State Of Bihar on 13 January, 2011

IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.34389 of 2010

RAGHVENDRA KUMAR

Versus

STATE OF BIHAR

3 13.1.2011 Heard learned counsel for the parties.

petitioner is alleged for receiving money for execution of sale deed for a piece of land is an admitted fact but submission of learned counsel for the petitioner is that a written agreement was there for the same but for the land of Naubatpur while informant is insisting to get registered a sale deed for a piece of land of Ranipur Mohalla Fulwarisharif. Bouncing of cheque is also explained as same was bounced due to stoppage of payment by this petitioner due to non-returning of deed of agreement to sell. Petitioner is even ready to return rupees four lacs within ten months but its payment only after returning of the deed concerning agreement to sell or disclaiming his right for execution of sale deed.

In view of submissions, the prayer for anticipatory bail is allowed.

Only after payment of first instalment of Rs. 40,000/- either through bank draft or cash in favour of informant, in the event of arrest or surrender within one month from the date of communication of this order, the above named petitioner shall be released on 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, Patna in Chewara P.S. Case No. 23/09, subject to the condition as laid down under section 438(2) Cr.P.C.

Rest of the amount shall be paid thereafter in nine equal monthly instalments and single willful default in payment of instalment may be taken for cancellation of bail so granted to the petitioner. Petitioner shall pay the rest instalments amounts only after returning of the deed concerning agreement to sell or disclaiming his right for execution of sale deed by the informant.

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(Mandhata Singh, J.)