

Krishna Prasad Vs. the State of Bihar

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Court : Patna

Decided On : May-11-2012

Appellant : Krishna Prasad

Respondent : The State of Bihar

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous No.44601 of 2011 Krishna Prasad, S/O-Late Bhagwan Prasad Versus The State Of Bihar -----

11. 01.2012 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State assisted by learned counsel for the complainant. Petitioner is in jail custody in Complaint Case No. 426 of 2009 in which cognizance has been taken under Section 420 of the Indian Penal Code. According to complaint case itself, the owner of the vehicle was co-accused Yogesh Singh and so far as petitioner is concerned, he played a role of mediator in selling of the vehicle in question. The grievance of the complainant is that although, he had already paid two lacs twenty five thousand to the petitioner and got possession of the vehicle but the petitioner and co-accused Yogesh Singh did not take any step to get the ownership of the vehicle transferred in the name of the complainant. Learned counsel appearing for the petitioner submits that petitioner is ready to take steps for getting the ownership transferred in the name of the complainant but there is dues of rupees fifty thousand and if the complainant pays rupees fifty thousand to the petitioner, the ownership of the vehicle would be transferred in

favour of the complainant. Considering the aforesaid facts and circumstances as well as submissions of the parties, petitioner, namely, Krishna Prasad is directed to be released on bail provisionally for the period of four months on execution of bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Aurangabad in connection with Complaint Case No. 426 of 2009 corresponding to Trial No. 1091 of 2011. It is made clear that the complainant shall pay rupees fifty thousand to the petitioner and after the aforesaid payment, the petitioner shall take step for transferring the ownership of the vehicle in favour of the complainant within 15 days from the date of payment. Furthermore, it is made clear that if the aforesaid steps are not taken within four months from the date of passing of this order, the learned trial court shall report the matter to this Court and if the matter is settled between the parties within the above stated period, the learned trial court shall pass an order confirming the provisional bail granted to the petitioner. It is made clear that the complainant shall deposit the above stated amount of rupees fifty thousand with the trial court and the petitioner shall be entitled to withdraw the aforesaid amount. SHAHZAD (Hemant Kumar Srivastava, J.)

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