

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28341 of 2014

Arising Out of PS.Case No. -27 Year- 2013 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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1. Charli Jokim Son of Late Jochim Antony Resident of Mohalla - Rally Bazar, Ram Nagar, Police Station - Ram Nagar, District - West Champaran at Bettiah

.... Petitioner/s

Versus

1. The State of Bihar
2. Anand Remi Son of Late Remi Paskal Resident of Mohalla - Rally Bazar, Ram Nagar, Police Station - Ram Nagar, District - West Champaran at Bettiah

... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar
For the Opposite Party/s : Mr. P.K.Chaurasia(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 05-01-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner apprehends his arrest in Complaint Case No. 27-C of 2013 in which cognizance has been taken under Sections 323, 504 and 42 of the Indian Penal Code.

Allegedly, the petitioner agreed to sale a shop with opposite party no. 2 and for that took advance after executing agreement to sale and further received payment and for that executed a plain deed on stamp paper but later on the petitioner executed sale deed in favour of another person and in that manner he cheated the complainant.

Submission is that the complainant has filed Title

Suit No. 43 of 2013 for Specific Performance of Contract and the petitioner has appeared there and filed his written statement in that title suit and has challenged the deed of agreement as well as receipt showing the payment of consideration amount to which the learned counsel appearing on behalf of the complainant opposes by submitting that the petitioner has cheated by taking the amount of Rs. 2,86,000/-.

In the facts and circumstances stated above and considering the fact that title suit is going on between the parties and the dispute appears to be of civil nature, the petitioner Charli Jokim is directed to be released on anticipatory bail in the event of his arrest or surrender within one month from the date of receipt/production of a copy of this order on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Bagaha, West Champaran at Bettiah in connection with Complaint Case No. 27-C of 2013, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

avin/-

(Jitendra Mohan Sharma, J)

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