

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34512 of 2014

Arising Out of PS.Case No. -268 Year- 2013 Thana -HARNAUT District- NALANDA
(BIHARSHARIFF)

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1. Raj Kumar Singh S/o Raj Kishore Singh Resident of Village Cheran, P.S.
Harnaut, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Raj Ballabh Singh(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 07-04-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with

Harnaut P.S. Case No. 268 of 2013 registered for the offences

punishable under Sections 406, 409, 420 of the Indian Penal Code.

The accusation against the petitioner is that he took

advance for execution of absolute sale deed in favour of the

informant but later on, he refused to execute absolute sale deed in

favour of the informant.

The contention on behalf of the petitioner is that the

informant has already filed a suit for specific performance of the

contract and the same is still pending. It is further contended by

him that no doubt, rupees nine lacs was taken by the petitioner through cheques as advance but the informant himself violated the terms and conditions of the contract and moreover, even if the prosecution story assumed to be true, then also, it is a case of only civil dispute.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nalanda at Bihar Sharif in Harnaut P.S. Case No. 268 of 2013 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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