

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39842 of 2015

Arising Out of PS.Case No. -3000 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Deepak Kumar Pandey son of Sri Lal Babu Pandey resident of village Bargoan P.S & District Nalanda at present resident in village Sabajpur P.S. Phulwarisharif District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Vinay Kumar Pandey @ Chintu S/o Sri Nityanand Pandey Resident of Shabajpura, P.S. Phulwarisharif District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abinash Chndra Jha

For the Opposite Party/s : Mr. Dr. Rabindra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-10-2015 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a complaint case in which process has been directed to be issued after cognizance being taken for the offences punishable under Sections 323,504 and 406 of the Indian Penal Code.

The prosecution case is that the complainant negotiated with one Sushma Devi to sell 8 dhooors of land at the consideration of Rs.4,38,000/-. The complainant received part consideration amount through cheque of Rs.1,50,000/- in presence of witness Saroj Kumar. The rest of the consideration amount of Rs.2,88,000/- was to be give in cash. At the time of transaction the petitioner being

son in law of the co villager of the complainant was present. The sale deed was executed on 29.12.2012 but the balance consideration amount was not paid.

It is submitted by the learned counsel for the petitioner that the agreement was between the complainant and Sushma Devi, hence case under section 406 IPC is not made out against the petitioner. Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Patna in connection with Complaint Case No.3000 C of 2013 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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