

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19480 of 2015

Arising Out of PS.Case No. -2511 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Rajiv Ranjan Singh @ Raju Singh@ Rajiv Ranjan Kumar Son of late Ram Chandra Singh resident of Village- Bajid pur, Ps- Bihta, District- patna whereas presently residing at Flat No. 401, Pushpa, Mansion Apartment, Viveka Nand marg, Oppostie A.N. Collge Boring Road , Police Station- Sri Krishna Puri Dist- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. M/s Princeton Niketa Pvt. 4 Mirambika Apartment, Boring Road, P.S. Budha Colony, District - Patna represented through its Managing Director sri Jitendra Singh Son of Sri Chandeshwar Singh

.... Opposite Party/s

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with

Criminal Miscellaneous No.27546 of 2015

Arising Out of PS.Case No. -1905 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. RAJIV RANJAN SINGH @ RAJIV RANJAN @ RAJU SINGH aged about 32 Yrs son of Late Ram Chandra Singh permanent resident of village Bajid Pur, Police Station- Bihta, District- Patna, Whereas at present residing at Flat No. - 401, Pushpa Mention Apartment , Viveka Nand Park Road, Opposite A.N. College Boring Road , P.S.- Srikrishna Puri, District/ Town - Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. M/S Princeton Niketan Pvt. Ltd. Through its Mandging Director Sri Jitendra Singh Son of Sri Chandeshwar Singh ' Regd. Office- Flat no. - 04, Mirambika Apartment , Boring Road, Police Station- Buddha Colony, District/ Town - Patna.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.19480 of 2015)

For the Petitioner/s : Mr. Birendra Sharma

For the Opposite Party/s : Mr. P.N.Pandit (App)

(In Cr.Misc. No.27546 of 2015)

For the Petitioner/s : Mr. Birendra Sharma

For the Opposite Party/s : Mr. B.Ram (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR

SRIVASTAVA
ORAL ORDER

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30-11-2015

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The complainant filed two separate complaint cases against petitioner and others on the accusation that petitioner took huge amount in the name of transferring some lands but he neither returned the money nor transferred the land and subsequently, issued cheques, which became bounced when presented before the concerned bank.

Learned counsel, appearing for petitioner submits that initially, complainant filed complaint case bearing Complaint Case No. 1905 C of 2013 on 01-06-2013 and later on, he again filed a separate complaint i.e. Complaint Case No. 2511 C of 2013 for the same occurrence. It is further pointed out by him that petitioner came before this court for quashing of Complaint Case No. 1905C of 2013 and a bench of this court was pleased to send the dispute of the parties before the Mediator but unfortunately, certificate regarding the appearance of the parties before Mediator could not be furnished as a result whereof, the quashing petition was dismissed for non-prosecution but later on, the aforesaid quashing petition was restored to its original Number. It is further contended by him that in the aforesaid quashing petition, a bench of this court

was pleased to stay the further proceeding of Complaint Case No. 1905C of 2013.

Learned counsel, appearing for petitioner further pointed out that petitioner is in jail custody since 27-11-2014 and he has, sufficiently, been punished by remaining in jail custody since the above-said date. It is further contended by him that so far as realization of amount is concerned; the same cannot be realized in a criminal case and for realization of aforesaid amount; the complainant may take steps by filing civil case against the petitioner and others.

Learned counsel, appearing for the complainant opposed the prayer, submitting that petitioner is a habitual offender and several cases of similar nature were lodged against him. It is further contended by him that petitioner took huge amount from the complainant on the pretext of transferring the land in respect of which, petitioner had no right and title.

No doubt, according to complaint case, petitioner took huge amount for transferring some lands for which, the petitioner had no right and title but admittedly, the court below has not taken cognizance for the offence punishable under Section-420 of the Indian Penal Code and only cognizance has been taken for the offence punishable under Section-406 of the Indian Penal Code

and Section-138 of Negotiable Instruments Act for which, petitioner has remained in jail custody for more than one year.

In view of above-said facts and circumstances of the case as well as submission of the parties, both the above-said petitions are allowed and it is ordered that the petitioner named above, be released on bail on furnishing bail bond of Rs. 50,000/- (fifty thousand) with two sureties of the like amount each in connection with Complaint Case No. 2511 C of 2013 and Complaint Case No. 1905 of 2013 to the satisfaction of Sri Rajiv Kumar Bharti, J.M.-Ist Class and Sri Ashutosh Kumar, J.M.-Ist Class, Patna respectively subject to condition that the petitioner shall attend the trial court, in person on each and every date for a period of one year or till conclusion of his trial, whichever is earlier and if, he fails to do so on two consecutive dates without any reasonable cause, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner after due and proper inquiry.

Let copy of this order be communicated to both the trial courts for needful.

(Hemant Kumar Srivastava, J)

A.K.V./-

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