

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16447 of 2015

Arising Out of PS.Case No. -566 Year- 2013 Thana -KHAGARIA COMPLAINT CASE District-
KHAGARIA

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Sunil Kumar, S/o Late Ramautar Prasad, Resident of Mohalla - Meergyash
Chak, W.No. - 8, P.O./P.S./District - Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ram Prakash Sharma, son of Madan Lal Sharma, Resident of Malgodam
Road, Gandhi Nagar, Ward No. 2, P.S. & District - Khagaria.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr.Rakesh Chandra, Advocate
For the S t a t e : Mr. Kr. Virendra Narayan(APP)
For the Complainant : Mr. Mrityunjay Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 09-09-2015 Heard learned counsel for the petitioner and the

learned counsel for the State and the learned counsel for the

complainant.

The petitioner is apprehending his arrest in
connection with Complaint Case No.566 of 2013 for allegedly
having committed the offence under Sections 467, 468 and 406
of the Indian Penal Code.

Learned counsel for the petitioner submits that
though the petitioner has accepted some money for sale of land
with the complainant, he had done so on the basis of Power of
Attorney. It is further submitted that though the petitioner had

paid substantial amount of money received from the complainant to the land-holder, the landholder for reason best known to himself, cancelled the Power of Attorney issued in his favour and as such, the petitioner was precluded from finalizing the sale deed.

Learned counsel for the complainant submits that complainant has been put to substantial loss to the tune of Rs.5,00,000/- on account of the dispute between the petitioner and the landholder and he should not be made to suffer any further.

Learned counsel for the petitioner, however, submits that in order to have the money recovered from the landholder, the petitioner has filed a suit for specific performance of contract in the court below and the landholder has been made defendant no.1 and the complainant has also been made defendant no.4 in the said suit.

Considering the peculiar nature of the case and that the suit is pending and also that even the complainant has been made a party, it would be appropriate in the interest of justice that all the parties should resolve their respective disputes before the court entertaining the suit.

It is thus directed that the complainant appear in

the suit forthwith so that his grievances may be redressed and it will be best if an amicable solution is arrived at between the parties so that none of them will be prejudiced in any manner.

In the meantime, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of three weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Shri J.P. Kisku, learned Judicial Magistrate, 1st Class, Khagaria, in connection with Complaint Case No.566 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

PNM

(Anjana Mishra, J)

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