

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25827 of 2015

Arising out of PS.Case No. -3329 Year- 2011 Thana -PURNIA COMPLAINT CASE District-  
PURNIA

Md. Kamruddin @ Sk. Kamruddin, Son of Late Moinuddin, resident of Fasia, P.S. Sadar Muffasil District Purnea.

.... .... Petitioner

Versus

- 1.The State of Bihar.
- 2. Md. Alam, Son of Abdul Karim, resident of Fasia, P.S. Sadar Muffasil District Purnea.

.... .... Opposite Parties.

Appearance :

- For the Petitioner : Mr. Ajit Kumar Singh, Advocate.
- For the State : Mr. A.L.Pandit(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH  
ORAL ORDER

3 22-09-2015 Heard learned counsels for the petitioner, complainant and learned counsel for the State

The petitioner is apprehending his arrest in connection with Complaint Case No. CA No. 3329/2011 for the offences instituted under Sections 420, 467, 468 and 323 of the IPC.

The prosecution story, in brief, is that the complainant has purchased a piece of land bearing Khata No. 20,Khesra No. 135, Area 0.20 decimals from the petitioner on 22.08.2006 after paying Rs. 17,000/-. On 12.04.2008, one Ramesh Kumar Gupta met with the complainant and said that he purchased the said land from the petitioner by virtue of sale deed. Thereafter, a Panchayati



was convened and it was decided that Ramesh Kumar Gupta registered the said land in favour of the complainant and the petitioner have to pay Rs. 17,000/- to the complainant. The said Ramesh Kumar Gupta as per decision executed sale deed in favour of the complainant but the petitioner did not return him Rs. 17,000/-. When the complainant asked the petitioner to pay Rs. 17,000/-, he did not pay money and abused him. It is alleged that the petitioner has cheated the complainant.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It is further submitted that the petitioner has been made accused in the present case due to mistake of fact. The matter is of civil nature. It is further submitted that the petitioner is ready to deposit an amount of Rs. 8,000/- in the court below which shall be subject to final disposal of the case.

On behalf of the learned counsels for the State and the complainant it has been submitted that the petitioner is named in the complaint case.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit an amount of Rs. 8,000/- in the court below which shall be subject to final disposal of the case and on doing so, let the petitioner above named, be released

on bail in the event of his arrest or surrender before the learned court below within a period of four weeks from today in connection with Complaint Case No. C.A. 3329/2011 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M., Purnea, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)