

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43272 of 2015

Arising Out of PS.Case No. -158 Year- 2015 Thana -BAKHTIYARPUR District- PATNA

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1. Rabindra Singh, Son of Late Raj Kishore Singh, resident of of Village-
Abbu Mahmadpur, Police Station- Bakhatiyarpur in the district of Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sunil Kumar, Son of Late Sitaram Lal, resident of of Village- Abbu
Mahmadpur, Police Station- Bakhatiyarpur in the district of Patna.

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 04-11-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State as also learned counsel for the informant.

The petitioner prays for anticipatory bail in a case
registered under Sections 419, 420, 467, 120 (B)/ 34 of the Indian
Penal Code.

Learned counsel for the petitioner submits that the
allegation against the petitioner is only of having executed an
agreement for sale after taking an amount of Rs.2,50,000/- from
the informant but subsequently not executing the sale deed and
further that the son of the petitioner had executed a sale deed for a
part of the same land, for which agreement for sale has been
executed. It is further submitted that no ingredients of the alleged
offences are made out against the petitioner and the dispute
between the parties is out and out a civil dispute.

Learned counsel for the informant merely submits that the petitioner having taken an amount of Rs.2,50,000/- and executed the agreement for sale, he was bound to have executed the sale deed which he has not done and, therefore, he is liable for the offence of cheating.

On a consideration of the facts and circumstances of the case, it is directed that the petitioner, Rabindra Singh, in the event of his arrest/surrender in the court below within a period of four weeks from today, shall be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Barh, Patna in connection with Bakhtiyarpur P.S. Case No.158 of 2015 (G.R. Case No.1103 of 2015) subject to the other conditions as laid down under Section 438 (2) of the Cr.P.C.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

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