

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3483 of 2015

Arising Out of PS.Case No. -2999 Year- 2012 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Renu Singh W/o Dr. Shashi Bhushan Singh
2. Dr. Shashi Bhushan Singh Son of Sri Surendra Prasad Singh both are
resident of Flat No - 117, D.D.A. Flat, Pocket - 6, P.O. - Dwarka, P.S. -
Dwarka, Dist - Delhi, New Delhi - 110075.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dr. Bharat Singh S/o Late R.B. Singh Resident of House No - 25/60,
Officer's Flat, Bailey Road, P.S. - Kotwali Town, Dist - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar, Advocate.

For the Opposite Party/s : Mr. Satyendra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 11-02-2015 Heard Shri Yogesh Chandra Verma, the learned Sr.

Counsel for the petitioners and Shri Vindhyachal Singh, the

learned Counsel for the complainant.

The petitioners apprehend their arrest in Complaint

Case No. 2999(C) of 2012, registered for the offences punishable

under Sections 406, 420 and 34 of the Indian Penal Code and

Section 138 of the N.I. Act.

The gist of the allegation that the petitioners executed a

deed of agreement to sale and received amount of Rs. 2 Crore and

11 Lakhs, but the petitioners had already sold the property to

someone else and returned only Rs. 1 Crore and 52 Lakhs. Due to

non-payment of Rs. 59 Lakhs the complaint case was filed.

Learned counsel for the petitioners contended that the petitioners had already paid the entire amount, but the complainant disputed the payment of entire amount and he admitted only payment of Rs. 1 Crore 52 Lakhs.

Today, the petitioners deposited seven drafts bearing no. 032075, 032074, 032078, 032076, 032072, 032077 and 032073 totals of Rs. 59 Lakhs. All the drafts are handed over to the learned counsel for the complainant with a direction to deposit the same in the bank and the complainant shall not withdraw the amount till the disposal of the case and submit the passbook in the court below.

Considering the facts aforesaid and the fact that the petitioners have already deposited the entire amount, the petitioners, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sri Rajeev Kumar Bharti, the learned 1st Class Judicial Magistrate, Patna in connection with Complaint Case No. 2999(C) of 2012, subject to the conditions as laid down under

Section 438(2) of the Cr.P.C.

Learned counsel for the petitioners submits that the petitioners have already deposited the original papers showing the fixed deposit of Rs. 60 Lakhs, since the petitioners have already deposited the draft in the name of the complainant and his wife, the court below shall release the paper of fixed deposit of Rs. 60 Lakhs in favour of the petitioners.

(Prabhat Kumar Jha, J.)

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