

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19596 of 2015

Arising Out of PS.Case No. -499 Year- 2013 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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1. Uday Kumar Gautam. Son of Sheodhani Das. Resident of Village - Nonia Tola, P.S. Rafiganj, District-Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Aabid yasir Khan. Son of Sababuddin Khan. Resident of Village - Dharnidhar, P.S. and District - Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Leelawati Kumari
For the Opposite Party/s : Mr. U.L.Verma(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-07-2015 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a complaint case instituted under Sections 323, 420, 403 and 504 of the Indian Penal Code.

The prosecution story, in brief, is that complainant made talk to purchase land worth Rs. 7 lacs from petitioner of Khata no. 40, plot no. 143 area one bigha and he paid cash and through cheque the entire consideration money to the petitioner.. On 10.10.2010 an agreement for sale has been executed but the petitioner never executed the sale deed with respect to the said land nor returned the consideration money. So, he has cheated the complainant.

It has been submitted on behalf of the petitioner that the petitioner has been made accused in this case due to mistake of fact. It is further submitted that the petitioner is ready to return Rs. 3 lacs to the complainant.

On behalf of the State, it has been submitted that the petitioner is named in the complaint petition.

Considering the fact aforesaid, the petitioner is directed to deposit an amount of Rs. 3 lacs in the court below within a period of four months, which shall be released on favour of the complainant, and on doing so, the above named petitioner, in the event of his arrest or surrender in the court below within a period of sixteen weeks, is to 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 learned C.J.M., Aurangabad, in connection with Complaint Case No.499 of 2013, subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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