

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30220 of 2015

Arising Out of PS.Case No. -375 Year- 2014 Thana -AGAMKUAN District- PATNA

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Arun Kumar Singh, son of Mundrika Prasad Singh @ Mundrika Singh, resident of Village Khorampur Sonmai, Police Station Dhanarua, District-Patna. At present residing at Bhagwat nagar, Police Station Agamkuan, District-Patna.

.... Petitioner/s

Versus

1. State of Bihar.
2. Sudhir Prasad Singh, son of Late Ram Aslok Singh, resident of I.O.C. Colony Kumhrar, Police Station Agamkuan, District-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Shivendra Kumar Sinha, Advocate
For the Informant : Mr. Harish Kumar, Advocate
For the State : Mr. S.M.Rahman(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 06-08-2015 Heard learned counsel for the petitioner and the learned counsel for the complainant/informant as well as the learned counsel for the State.

The petitioner is apprehending his arrest in connection with Agamkuan P.S. Case No.375 of 2014 for allegedly having committed the offence under Sections 147, 406, 420, 323, 341, 504 of the Indian Penal Code and Section 138 of the N.I. Act.

Learned counsel for the petitioner submits that in the present case, the two parties were negotiating for purchase of a piece of land and during the course of negotiations, there appears to have arisen some disputes, which led to the filing of

the complaint petition in the year 2013 itself.

Learned counsel for the opposite party-complainant submits that the complainant had advanced a sum of Rs.15,00,000/- towards payment of consideration amount for purchase and sale of land which, he says, he handed over to the petitioner. Learned counsel for the petitioner squarely denies the same. In the year 2013 while the said complaint was filed and was/is still pending, in between it has been alleged that the petitioner issued a cheque in favour of the opposite party for a sum of Rs.5,00,000/-, which cheque could not be encashed on account of the fact that the petitioner had issued a letter to the Bank asking them to stop payment of any cheque as his cheque has been lost. Thus, the present case was also filed.

Learned counsel for the opposite party submits that the dishonest intention of the petitioner can well be gauged that while, on the one hand, he had issued a cheque for Rs.5,00,000/-, on the other hand, he had given instructions to the Bank not to honour the same.

Countering the other allegations by the opposite party, the petitioner submits that, in fact, there was yet another intermediary in the sale and purchase, namely, one Pawan Kumar, who had been visiting his office and had handed over

the cheque to the opposite party and it was this cheque which was used by the opposite party for drawing payment from his account and, as such, he had issued the letter to the Bank on 2.4.2014 itself not to make payment of the same.

It is submitted by the learned counsel for the petitioner that actually the property of Santosh Kumar, which was sought to be purchased by this petitioner, came to be the bone of contention between the parties as opposite party Sudhir Prasad Singh also wanted to purchase the same. Since the interest of one, clashed with the others, the present case has been made out as against the petitioner, especially with regard to the issuance of cheque.

Considering the entire gamut of circumstances as brought on the record by the parties and also the fact that there appears to be divergent version by both the parties, it would be in the interest of justice that the petitioner be given an opportunity to explain the facts and circumstances before the learned Magistrate hearing the matter and as such, since two cases have been registered for the same set of facts and circumstances, the second one being supplemented by the offence as made out under the provisions of the N.I. Act, 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 the learned Additional Chief Judicial Magistrate, Patna City, Patna, in connection with Agamkuan P.S. Case No.375 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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