

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31795 of 2015

Arising Out of PS.Case No. -1815 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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Birendra Prasad Singh son of Late Jai Nandan Singh, R/o 3-C, Sneh Plaza,
Sardar Patel Path,North S. K.Puri, P.S.- S. K. Puri, District- Patna

.... Petitioner

Versus

1. State of Bihar
2. Rakesh Kumar Singh son of Rameshwar Prasad Singh, R/o – Postal
Park, Indira Nagar, Road No.4, Besides Iron Factory, P.S.- Kankarbagh,
District- Patna

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

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

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

5 05-11-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Complaint
Case No. 1815(C) of 2013 registered for the offences punishable
under Sections 406, 420, 467 & 468 of the Indian Penal Code.

Allegedly, the complainant gave Rs. 13,90,000/- on
different dates to the petitioner for a Flat and the petitioner gave
money receipts and an allotment letter of Flat No. 302 but after
committing forgery the petitioner sold his flat to other persons.

Submission is of false implication and the petitioner
has not sold the Flat for which there was agreement between the
complainant and the petitioner, money receipt has already been



given. As a matter of fact co-accused Birendra Kumar Singh @ Nanhe has captured the said Flat and some other Flats also and for that another co-sharer of the land Ram Anugrah Singh has also filed case. The petitioner has handed over the Flats to the allottee and he is not responsible to protect the Flat from illegal encroacher. The petitioner is an old man aged about 73 years and is suffering in custody since 04.02.2015 in this case after being remanded from another case. It is also submitted that in other cases the petitioner has been allowed bail which is evident from annexures attached with the supplementary affidavit.

Learned APP duly assisted by learned counsel appearing on behalf of the complainant opposes the prayer of bail by submitting that the money which has been paid by the complainant must be realized or the Flat be allotted.

In the facts and circumstances stated above, the petitioner is directed to be released on bail provisionally for the period of nine months from the date of his release on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Shri Manoj Kumar V, J. M. Ist Class, Patna in connection with Complaint Case No. 1815 (c) of 2013, subject to the conditions that he shall ensure the payment of money to the complainant within the above stated period of

nine months or shall make available the Flat on the same rate to the complainant, failing which learned court below shall be at liberty to cancel the bail bonds of the petitioner.

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(Jitendra Mohan Sharma, J)