

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56841 of 2015

Arising Out of PS.Case No. -25006 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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Rajeev Kumar Son of Sri Vasudev Rai

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kishori Mohan Sinha son of late Prasidh Narain Sinha

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-12-2015

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 420 of the Indian Penal Code and 138 of the Negotiable Instrument Act.

The prosecution case is that the complainant and his friend entered into an agreement with the petitioner on 18.07.2011 with regard to purchase of a particular piece of land admeasuring 2 Katha, 5 dhoors and 7 dhoorkies @ Rs.24 lacks per katha. At the time of agreement, the complainant and his friend made payment of Rs.12,51,000/- to the petitioner through cash and cheque and, thereafter, the consideration amount of Rs.49,51,000/- was also made but the land could not transferred in favour of the complainant. Subsequently, complainant asked to return the entire amount then the petitioner issued cheque of Rs.17,75,500/- but the same got bounced.

It is submitted by learned counsel for the petitioner that the petitioner is ready to return the entire due amount, subject to calculation. The partner of the complainant also filed Complaint Case No.25007/2014 wherein the petitioner has been granted anticipatory bail.

Under the circumstances, let the above named petitioner be released on provisional anticipatory bail for six months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-V, Patna in connection with Complaint Case No.25006-C/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notices to the complainant. On appearance of the complainant, if the issue between the parties gets resolved, on return of the due amount, the provisional bail of the petitioner will be confirmed by the learned court below. Otherwise, the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Ashwini/-

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