

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46945 of 2015

Arising Out of PS.Case No. -201 Year- 2014 Thana -PHULWARISHARIF District- PATNA

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Anil Kumar Son of Late Rajeshwar Prasad Resident of village Lalita Sadan, Ekta Nagar, P.S. Phulwarisharif, Dist.-Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abinash Kr. Sinha

For the Opposite Party/s : Mr. S.N. Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 12-01-2016 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Phulwarisharif P.S. Case No. 201 of 2014 registered for the offences punishable under Sections 406, 420, 506 of the Indian Penal Code.

The petitioner entered into an agreement with the informant to sell 2 Katha 17 dhoor land and received Rs. 4,70,000/- as an advance out of the consideration amount at the time of agreement and further received part of the balance consideration amount through different cheques and through cash and in that way received amount of Rs. 25,59,000/- but started evading in executing the sale deed and to the grab the amount

executed another agreement with another person. Further for another plot the petitioner executed another agreement with Mukesh Kumar and out of the consideration amount of Rs. 12,00,000/- received Rs. 7,51,000/- but now wants to grab the said amount.

Submission is of false implication and that the petitioner was and is always ready to execute the sale deed after receiving the balance consideration amount, the informant intentionally is showing wrong payment, the petitioner has received only Rs. 4,70,000/- from the informant and balance consideration amount has not been paid within the time and it was fault of the informant but to put undue pressure lodged this criminal case though alternative remedy lies in civil suit, the petitioner is suffering in custody since 08.07.2015, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and the case is based on documents and, as such, the petitioner deserves sympathetic consideration to which the learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that petitioner is habitual cheater and wants to grab and misappropriate the amount received from the informant and others. In the petition of anticipatory bail, the petitioner has stated that there was an

agreement for only one Kattha of land and this shows the intention of the petitioner, during investigation also it has come that the petitioner has cheated several persons.

In the facts and circumstances stated above, considering that the case is based on documents, remedy lies in civil suit also and, as such, considering the detention of the petitioner and further that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned C.J.M., Patna arising out of Phulwarisharif P.S. Case No. 201 of 2014 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

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(Jitendra Mohan Sharma, J)