

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44821 of 2016

Arising Out of PS.Case No. -310 Year- 2016 Thana -KANKARBAGH District- PATNA

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1. Sanjay Kumar Gupta son of Late Raghunandan gupta Resident of Mohalla - White House, Boring canal Road, walse Medicament, Ist Floor, Sri Ram Palace, Kanti Factory Road, P.S. - Kankarbagh, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Pratap Singh

For the Opposite Party/s : Mr. Sri Braj Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 18-10-2016

Heard learned counsel for the petitioner and learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

The accusation against the petitioner is that he took huge amount in advance and executed an agreement for sale in favour of the informant in respect of particular land but, subsequently, the petitioner vacated his house and got hidden himself.

Submission on behalf of the petitioner is that there was business transaction between the petitioner and informant and as a matter of fact, in the aforesaid business transaction, both the parties executed deeds as well as issued cheques in favour of each other. It is further submitted that, subsequently, the informant got prepared a forged agreement for sale and lodged the present case when she learnt that the cheques issued in her favour by the

petitioner is not going to be encashed.

Learned counsel for the informant vehemently opposed the prayer for bail of the petitioner submitting that petitioner took near about Rs.92 lacs from the informant in the name of execution of absolute sale deed but at the time of execution of absolute sale deed, petitioner fled away vacating his house and got hidden himself. Petitioner could be arrested in Delhi after institution of the present case.

Considering the aforesaid facts and circumstances as well as submissions of the parties, and, particularly, keeping in mind that the facts of the present case appear to have constitute a dispute of civil nature, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st class, Patna in connection with Kankarbagh P.S. Case No. 310 of 2016, subject to the condition that one of the sureties must be his close relative, who shall swear an affidavit to this effect as to how he/she is related with the petitioner and the aforesaid sureties must be holder of landed property. It is also made clear that the observation made in this order shall not affect the merit of the case.

(Hemant Kumar Srivastava, J)

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