

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39477 of 2016

Arising Out of PS.Case No. -1220 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Abhimanyu Kumar, S/o Gopal Prasad, R/O Mohalla - Nashirganj, P.S. -
Danapur, District - Patna

.... Petitioner/s

Versus

1. State of Bihar

2. Md. Ahmad Faraj S/o Md. Mustak Ahmad R/o Nariyal Ghat, P. O.
Digha, P. S. - Danapur, Dist.- Patna.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate.

For the Opposite Party no.1 : Mr. Shantanu Kumar, A.P.P.

For the Opposite Party no.2 : Mr. Manoranjan Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-09-2016

Heard both sides.

The petitioner apprehends his arrest in Complaint
Case No. 1220(C)/2015 for offence punishable under Section 420
of the Indian Penal Code.

The complainant alleged that the petitioner entered
into an agreement with him for selling 4 Kathhas 10 Dhurs 12
Dhurkhis of land at the rate of Rs. 14,00,000/- per Kathha. The
petitioner received Rs. 34,38,000/- but the petitioner executed
sale deed with regard to 1 Katha 12 Dhurs of land only, the price
of which comes to Rs. 22,63,556/-.

Learned counsel for the petitioner submits that the
complainant had given a cheque of Rs. 6,41,880/- but the same



could not be honoured and consequently the cheque was cancelled. The petitioner never received Rs. 6,41,880/- from the complainant. The petitioner has already executed sale deed with regard to land measuring 1 Kathha 12 Dhurs, the price of which comes to Rs. 22,63,556/-, and the petitioner has given some lands for the pathway to the complainant, the price of which has not been paid. The petitioner is ready to return the remaining amount which comes to about rupees five lacs within four months to the complainant.

Learned counsel for the complainant, on the other hand, vehemently opposed the prayer for anticipatory bail and submitted that payment with regard to the remaining amount may be subject to the result of the case pending before the trial court.

Considering the facts that the dispute appears to be breach of contract between the parties, the complainant himself did not make payment of the entire amount, the payment of Rs. 6,41,880/- is disputed and there appears that Rs. 34,38,000/- was paid to the petitioner out of which the petitioner has already executed sale deed with regard to 1 Kathha 12 Dhurs of land, the price of which comes to Rs. 22,63,556/-, and the petitioner is ready to return the remaining amount within four months, the above named petitioner, in the event of his arrest or surrender

before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Ranjeet Prasad, Judicial Magistrate 1st Class, Danapur, Patna Complaint Case No. 1220(C)/2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Dilip/-

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