

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32982 of 2016

Arising Out of PS.Case No. -19 Year- 2016 Thana -CHENARI District- SASARAM (ROHTAS)

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1. Soam Nath Jha, son of Late Jagdeo Jha, resident of L.I.G.-18, Housing Colony, Dhanbad (Jharkhand) Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Pranav Kumar Jha, Adv.

For the Opposite Party : Mr. Amrendra Prasad, APP 77

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 26-11-2016

Heard the learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered under Sections 406 and 420 of the Indian Penal Code.

The parties had entered into an agreement to sell and informant allegedly paid rupees eight lakhs as advance consideration money, however, land was not transferred and subsequently the petitioner issued refund cheque, which bounced. Submission of the petitioner is that there is no proof of payment of such a huge amount to the petitioner. The land was in the name of the mother of the petitioner, having share of other co-sharers and even if allegation is assumed to be correct, it is a case of non-performance of contract and alternative remedy is available there.

Let the petitioner, above named, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Chenari P.S. Case No. 19 of 2016 (G.R. No. 361 of 2016) to the satisfaction of the Additional Chief Judicial Magistrate, VII, Rohtas at Sasaram, or successor Court, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Birendra Kumar, J)

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