

Criminal Miscellaneous No.43523 of 2016

Prabhat Kumar Verma, S/o Ashok Kumar Verma, R/o Vill. Banni, P.S. Nagar, District – Saran at present S.K. Nagar Plot No. 149, Road No. 11, P.S. Buddha Colony, District – Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Dhanrajia Devi, W/o Sri Moti Lal Singh, House No. 3, Kailash Enclave, Shivpuri, P.S. Shastri Nagar, District – Patna.

.... Opposite Party/s

For the Petitioner/s : Mr. Anshul

For the Opposite Party/s : Mr. Sri Bharat Bhushan

ORAL ORDER

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 2399(c) of 2013 registered under Sections 323, 504 and 420 of the Indian Penal Code.

The acquisition is that the petitioner, being the Managing Director of M/s Nissa Realtors Pvt. Ltd., approached the complainant/opposite party no.2 for developing her 20 Katha land of Plot no. 213 of Khata No. 172 situated in Mauza Saguna, P.S. Danapur, District- Patna. According to negotiation, two registered agreements were executed on



30.04.2010 and 03.05.2010 for development of said land and Special Power of Attorney was also executed on 04.05.2010 by her in favour of accused-petitioner, conferring power to negotiate her 50% share. But due to breach of the agreement, both agreements deed dated 30.04.2010 and 03.05.2010 were cancelled by Registered Deed and Special Power of Attorney was also cancelled by written deed dated 08.12.2010. In spite of cancellation of the two development agreement deeds and cancellation of the Special Power of Attorney, the accused-petitioner, being the Director of the Company, sold the several flats without consent of complainant-opposite party no. 2.

Learned counsel appearing on behalf of the petitioner submits that after cancellation of two agreements for developing the land by the complainant-opposite party no.2, she sold the 14 Katha land, out of 20 Katha through three sale deeds dated 27.08.2012 in favour of M/s Nissa Realtors Pvt. Ltd., and also executed the Power of Attorney on 27.08.2012 to sale the flats of her share. More so, the complainant-opposite party no.2 has filed the Title Suit No. 215 of 2013 against the Company, its Director and 17 purchasers of flat in which relief for declaration of her title declaring the sale of suit property (flats) by the Company null and void.

On the other hand, learned counsel for the opposite party no.2 submits that according to agreement, money, which was to be paid by the accused/petitioner, has not been paid to the complainant/opposite party no.2.

Having considered the facts and circumstances of the case, let the above named petitioner, Prabhat Kumar Verma, be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the C.J.M., Patna in connection with Complaint Case No. 2399(c) of 2013, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Rajendra Kumar Mishra, J)

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