

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1187 of 2016

Arising Out of PS.Case No. -2434 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Kumar Sanjeev Ranjan @ Ragho Jee, aged about 46 Years, S/o Sri Sachhidanand Prasad, R/v -G/69, P.C. Colony, P.S. - Kankarbagh, Distt-Patna.

.... Petitioner

Versus

1. The State of Bihar.

2. Sanjay Kumar, S/o Sri Shyamnandan Prasad, R/o Village- Salouna, P.S. Bhakhari Bazar, Dist-Begusarai.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. R.P.S Singh, A.P.P.
For the Complainant : Mr. Nawal Kishore Singh, Advocate
Mr. Dharendra Nath Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 18-03-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection with Complaint Case No. 2434 (c) of 2015 for the offences instituted under Sections 323 and 420/34 of the Indian Penal Code.

The prosecution story, in brief, is that on 06.07.2015 one, Sanjay Kumar filed a complaint case in the Court of the learned Chief Judicial Magistrate, Patna, alleging therein that an agreement was made between Dipak Kumar and the complainant along with his brother Ranjay Kumar for sale and purchase of land

appertaining to Thana No. 11, Tauzi No. 181, Khata No. 75, Survey Plot No. 450 measuring one Katha, five dhoors situated at Mauza-Seikhpura, P.S. Phulwarisharif for a consideration money of Rs. 29 lacs. As per assurance given by the accused persons, the property, in question, stood in the name of Pashupati Kumar Sinha and they had valid power of attorney to register the same. Out of total consideration, the complainant gave Rs. 27 lacs in installments to the accused persons. Thereafter, the sale deed was prepared but the original owner Pashupati Kumar Sinha did not reach at the Registry Office on 07.05.2015 to 10.05.2015 by which the complainant has got suspicion and after inquiry, it was detected that no agreement was made by the original land owner, Pashupati Kumar Sinha with the accused persons. The agreement made by the accused persons was totally false and similarly they cheated the complainant by taking Rs. Rs. 27 lacs. On knowing real fact, the complainant requested the accused persons to return the amount of Rs. 27 lacs and thereafter, the petitioner returned the amount of Rs. 11 lacs to the complainant. Ritesh Kumar returned the amount of Rs. Six lacs and also handed over two cheques in the name of Sanjay Jee bearing Cheque nos. 143012 and 143013 of the amount of Rs. 4,85,000/- and five lacs respectively and, also, agreed to return the amount of Rs. 40 lacs. It is further



alleged that when both the cheques were deposited at IDBI Bank, Kankarbagh for clearance, the said cheques were dishonoured due to insufficient fund. When the said fact regarding dishonour of cheques was intimated to accused persons, they dilly dallied to fulfill the same on one pretext or the other. Ultimately, a legal notice was issued to the accused persons on 26.06.2015 through his Advocate. Thereafter, Ritesh replied the same, stating the fact that he has got no connection with any transaction. Again, the petitioner called the complainant on 05.07.2015 to return the rest amount of Rs. 10,25,000/- and also demanded the cheques and deed of Bai-beyana. The complainant went to the house of the petitioner on 05.07.2015 where the petitioner including accused persons overpowered the complainant and started to make demand of both the cheques and deed of Bai-Beyana uttering bad names and snatched gold chain as also tried to strangle the complainant.

It has been submitted on behalf of petitioner that the petitioner has got no criminal antecedent. Petitioner has falsely been implicated in the present case. As per the complaint case, Rs. 9,00,000/- is said to have been given to the petitioner. From perusal of paragraph 9 of the complaint case, it appears that the complainant had admitted that the petitioner had returned Rs.

11,00,000/- to him. Moreover, matter relates to civil dispute.

On behalf of the State and the learned counsel for the complainant, it has been stated that the petitioner has actively participated in the alleged offence.

Considering the aforesaid facts and circumstances, let the petitioner above-named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Complaint Case No. 2434 (c) of 2015 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Patna, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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