

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7283 of 2016

Arising Out of PS.Case No. -223 Year- 2015 Thana -RAJIVNAGAR District- PATNA

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Ashok Kumar S/o Mr. Ambika Yadav, resident of Magistrate Colony, Main Road, P.O.- Ashiana Nagar, P.S.- Rajiv Nagar, District- Patna

.... Petitioner

Versus

1. The State of Bihar
2. Smt. Ranjana Sharan, wife of Mr. Shyam Kinkar Sharan, resident of Flat No. 205 Block B, Mahavira Apartment Kadamkuan, Near Jahaji Kothi, P.S. Kadamkuan, District Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad(App)

For O.P.No.2 : Mr. Ansul, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 05-05-2016 Heard learned counsel for the petitioner and the learned Addl. Public Prosecutor, appearing on behalf of the State.

This application for grant of anticipatory bail arises out of Rajiv Nagar P.S.Case No. 223/2015, disclosing offences under sections 406, 420 of the Indian Penal Code.

The informant is said to have given a sum of Rs.15,32,000/- to the petitioner for purchase of a flat. The petitioner is a developer. With the allegation that in breach of the agreement, the petitioner did not hand over possession of the flat to the petitioner nor he is ready to return back the said amount, the F.I.R. came to be lodged.

Learned counsel, appearing on behalf of the petitioner, has

submitted that he is ready to refund the entire amount of Rs.15,32,000/- in eight equal instalments, beginning from 15th May, 2016.

Learned counsel for the informant does not have any objection if the said amount is paid in eight equal instalments, as offered on behalf of the petitioner and it has been submitted on behalf of the informant that in that circumstance, the petitioner may cancel the allotment of flat, made in his favour. It has also been submitted that once the entire amount is paid, the informant shall not pursue the said criminal case arising out of F.I.R. of Rajiv Nagar P.S.Case No. 223/2015.

Considering the nature of dispute and the fair stand taken on behalf of the petitioner as well as informant, this application is allowed.

Let the petitioner, abovenamed, in the event of his arrest/ surrender before the court below within six weeks from today, be released 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 Saurav Kumar Verma, Judicial Magistrate, Patna in Rajiv Nagar P.S.Case No. 223/2015, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioner shall

present himself before the police/ court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

This is subject to the further condition that the petitioner shall pay to the informant a sum of Rs.1,91,500/- per month beginning from 15th of May, 2016 and on 15th day of each month subsequent thereto, rest of the instalments shall be paid to the petitioner.

(Chakradhari Sharan Singh, J)

Surendra/-

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