

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21148 of 2016

Arising out of PS.Case No. -1055 Year- 2015 Thana -SARAN COMPLAINT CASE District- SARAN

Gopal Prasad @ Gopal Prasad Gupta, son of Late Laxman Sah, R/O Mauna Sadha Road, P.S.- Chapra Town, District- Chapra. At present R/O Ramlila mathia, P.S.- Bhagwan Bazar, District- Chapra.

.... Petitioner

Versus

- 1. The State of Bihar.
- 2. Raj Kumar Singh, son of Sri Nageshwar Singh, R/O Mauna, P.S.- Chapra Town, District- Chapra.

.... Opposite Parties

Appearance :

For the Petitioner : Mr. Rakesh Kumar Tiwary, Advocate.
For the State : Mr. Sanjay Kr.Singh(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 27-06-2016 Heard learned counsels for the petitioner, complainant and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Complaint Case No. 1055 of 2015 (Tr. No. 1055 of 2016) for the offences instituted under Section 420 of the IPC and 138 of the N.I. Act.

The prosecution story, in brief, is that there was an agreement for sale of a piece of land in between the petitioner and the complainant on a consideration amount of Rs. 10,90,000/-. The complainant paid Rs. 5,90,000/- in cash and Rs. 5,00,000/- through a cheque to the petitioner but the land was not executed



by the petitioner to the complainant. When the complainant demanded the aforesaid amount the petitioner issued two cheques of Rs. 2,50,000/- and Rs. 3,40,000/- respectively and assured to pay rest Rs. 5,00,000/- after few days and on production of the cheques in the bank the same were bounced due to insufficient amount in the account. The petitioner has only paid Rs. 1,00,000/- to the complainant.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. As per the allegation, the petitioner is said to have issued a cheque for an amount of Rs. 5,90,000/- in favour of the complainant. The said cheque has bounced. Subsequently, the petitioner has already paid an amount of Rs. 1,00,000/- to the complainant. The petitioner is ready to pay further an amount of Rs. 4,00,000/- to the complainant which will be paid within a period of six months in equal instalments.

On behalf of the learned counsels for the complainant and the State it has been submitted that the petitioner has already paid Rs. 1,00,000/- to the complainant.

Considering the aforesaid facts and circumstances, the petitioner is directed to deposit an amount of Rs. 4,00,000/- (Rupees Four Lacs) within a period of six months in six equal instalments in the court below. The said amount shall be released

in favour of the complainant. The petitioner above named, is directed to be released on provisional 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. 1055 of 2015(Tr. No. 1055 of 2016) on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saran at Chapra, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once, the petitioner deposits the said amount of Rs. 4,00,000/-(Rupees Four Lacs) within a period of six months, the provisional bail granted to the petitioner shall be confirmed by the court below.

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(Sudhir Singh, J)