

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18351 of 2016

Arising Out of PS.Case No. -2679 Year- 2012 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Mritunjay Kumar @ Mritunjay Kumar Choudhary Son of late Madhav
Murari Choudhary Resident of Village Parora, Police Station Krityanand
Nagar, District Purnia.

.... Petitioner

Versus

1. The State of Bihar.
2. Prasun Kumar Choudhary, Son of late Hari Prasad Choudhary Resident
of Mohalla Professor Colony, Rangbhumi, Police Station Khajanchi Hat
District Purnia.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Rama Nand Poddar, Advocate.
For the Opposite Parties : Mr. B.M.P.Sinha (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 15-07-2016 Heard both sides.

The petitioner apprehends his arrest in Complaint Case
No. 2679 of 2012 registered for the offences punishable under
Sections 406 and 420 of the Indian Penal Code.

The complainant and his partners were agreed to
purchase Plot No. 2541, Area 0.50 decimals of Khata No. 354
situated in village Parora from the accused persons. The papers
were verified and it was agreed that the petitioner would execute
the sale deed after receiving consideration of Rs. 6,50,000/-. The
deed of agreement to sale was prepared and Mritunjay Kumar @
Mritunjay Kumar Choudhary, the petitioner put his signature after

receiving part consideration of Rs. 2,25,000/.

It is submitted that the petitioner is ready to execute the sale deed, but the complainant is not ready to get the sale deed executed.

Learned counsel for the complainant, however, vehemently opposed the prayer for anticipatory bail and submitted that Rs. 5,50,000/- was paid to the petitioner, but the petitioner refused to execute the sale deed.

On the face, it appears that it is a case of breach of agreement and better remedy lies in civil suit. Considering the facts aforesaid, the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Shree Mithilesh Kumar, Judicial Magistrate, 1st Class, Purnia in Complaint Case No. 2679 of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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