

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1418 of 2017

Arising Out of PS.Case No. -3200 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Shambhu Paswan, s/o Shri Kishundeo Paswan, resident of village-
Bairiya, P.S. Gopalganj, District-Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Manmohan Yadav, S/o Late Jitendra Kumar, resident of mohalla-
Adarsh Nagar, Road No.-1, Khemni Chak, P.S.-Ram Krishna Nagar,
District-Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shri Prakash Srivastava, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 18-01-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in Complaint
Case No.3200-C of 2015 instituted for the offence under
Section(s) 420 and 406 Indian Penal Code.

Gist of the complaint is that on 30.06.2012, an
agreement was entered between the petitioner, Shambhu Paswan,
and the complainant to purchase land for rupees sixty four lacs
and twenty five thousand out of which he gave rupees ten lacs
and fifty three thousand at the time of agreement. Registry of the
land was made on 30.03.2013 for which the petitioner took



rupees thirty two lacs in cash. He did not return the cheque of rupees thirty two lacs given to him earlier. It is also alleged that the petitioner misused the cheque given by the complainant and filed a case against the complainant on the basis of that cheque. It is alleged that the petitioner sold out the land to the complainant but did not return the money.

It has been submitted that the instant case is counter blast of Complaint Case No.26944 of 2014 filed by the petitioner against the complainant in which after enquiry the learned Magistrate has found prima facie case under Section(s)406, 420 Indian Penal Code and Section 138 of the Negotiable Instrument Act.

In this manner, this Court finds that this case is counter blast to the case in which cheque issued by the complainant to the petitioner got bounced and the complainant is accused.

In view of such, prayer of the petitioner for anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Complaint Case No.3200-C of 2015, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of the Judicial Magistrate, 1st class, Patna, subject to
the conditions as laid down under Section 438(2) Cr. P. C.

(Sanjay Priya, J)

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