

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5745 of 2017

Arising Out of PS.Case No. -73 Year- 2016 Thana -COMPLAINT CASE District- SHEOHAR

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Mukesh Kumar Singh Son of Ugr Narayan Singh, Resident of Village-
Barahi Chintaman, P.S.-Majorganj, District- Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar
2. Umesh Kumar, Son of Veer Bahadur Rai, Resident of Village-Kushar,
P.S.-Tariyani, District-Sheohar.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 09-02-2017 Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in connection with a
case registered under Sections 420 and 406 of the Indian Penal
Code and Section 138 of the N.I. Act.

Allegation in brief is that the complainant executed a
sale deed in the name of the petitioner's father on consideration
money of Rs.80,00,000/- and only Rs.22,00,000/- was given to the
vender. Thereafter, two cheques of Rs.23,00,000/- and
Rs.45,00,000/- each were given later on but both cheques got
bounced on presentation. The cheque was issued by the petitioner.

It is submitted that there was earlier agreement for sale
with respect to the sale and it shows that Rs.51,51,000/- was



already received by the vender and only Rs.28,49,000/- remains to be paid. The petitioner and the complainant were also engaged in business transaction. After execution of sale deed the petitioner's father applied for mutation of the land in his name but it was not mutated for the reason that the said land was already mortgaged with the Bank and a proceeding under SARFASI Act was going on but this fact was suppressed by the vender and suppressing this fact sale deed was executed so on that account, land was not mutated in the name of the purchaser; so in fact the petitioner was cheated and in this regard, a complaint case has been lodged by the petitioner which has been forwarded to the police under Section 153(3) of the Cr.P.C.

Learned counsel appearing on behalf of the complainant stated that the land was mortgaged by the vender but orally this fact was communicated to the purchaser and the complainant has received only Rs.12,00,000/- as consideration money in total and rest amount is due and two cheques bounced.

Considering the aforesaid facts and circumstances as the case primarily appears civil in nature, so in the event of arrest/surrender within four weeks from the date of receipt of this order to the concerned court, let the petitioner, namely, Mukesh Kumar Singh 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 A.C.J.M., Sheohar in connection with Complaint Case No.73 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Arun Kumar, J)

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