

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25297 of 2017

Arising Out of PS.Case No. -1523 Year- 2016 Thana -PATNA COMPLAINT CASE District-
PATNA

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MD. WASIMUL HAQUE @ WASIMUL HAQUE Son of Dr. Md. Hafizul Haque , R/o Motichowk, Gandhi School Road, Khagaul, P.S.- Khagaul, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mrs. Reshma Kamal, W/o Sri Arshad Ali, R/o Mohalla- Sakur Colony, Opp-Shakoor Masjid, Indrapuri, Colony, Raja Bazar, P.S.- Shastrinagar District- Patna.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate.
For the State : Mr. Damodar Prasad Tiwary, A.P.P.
For the Opposite Party no.2 : Mr. N.A. Shamsi and
Mr. Rashid Rais, Advocates.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-06-2017 Heard Sri Amresh Kumar Sinha, learned counsel for the petitioner, and Sri N.A. Shamsi, learned counsel for the Opposite Party no. 2. Also heard Sri Damodar Prasad Tiwary, learned A.P.P. for the State.

The accused petitioner is seeking anticipatory bail in Complaint Case No. 1523(c)/2016 registered under Sections 406, 420, 467 and 409 of the Indian Penal Code and Section 138 of the N.I. Act, 1881.

The allegations, as contained in the complain petition, would show that there had been a talk of purchasing land by the complainant from this petitioner, for which she had



admittedly paid Rs. 30 lacs to the petitioner. Over the period the complainant alleged that the petitioner failed to execute the sale deed and then the land, in respect of which an agreement was executed, had certain defect in title. It is further alleged that as agreed, the petitioner handed over two cheques in the name of the complainant towards refund of Rs. 30 lacs, however, those cheques stood dishonoured on presentation; as a result thereof, the present complaint case was filed in which cognizance has been taken under Section 420 of the Indian Penal Code read with Section 138 of the N.I. Act, 1881.

In view of the discussions which took place at the Bar, the learned advocate for the petitioner, after seeking instructions, submitted that the petitioner is ready to refund the entire amount of Rs. 30 lacs, however, due to some bad times in his business, he is unable to pay the same at one go. Learned counsel for the complainant agrees for getting refund of the entire money in some instalments.

Learned counsel for the petitioner submitted that the petitioner undertakes to refund the entire amount of Rs. 30 lacs in a total period of 12 months and during this 12 months period he would continue to pay at least Rs. 2,50,000/- every month without fail.



The proposal to pay the aforesaid amount in instalments, as aforesaid, has been agreed upon by the learned counsel for the complainant and, accordingly, following order is being passed.

(I). The petitioner shall refund the total amount of Rs. 30 lacs in 12 equal instalments as per undertaking above. The first instalment shall be released in the 1st week of July, 2017.

In the facts and circumstances stated here-in-above, let the petitioner, namely, Md. Wasimul Haque @ Wasimul Haque, in the event of his arrest or surrender before the learned 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 Ms. Aditi Gupta, J.M. 1st Class, Patna in connection with Complaint Case No. 1523(c)/2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further condition that in case of two regular defaults in making monthly payment as stated above the bail bond of the petitioner shall be cancelled by the court below.

(Rajeev Ranjan Prasad, J)

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