

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27395 of 2017

Arising Out of PS.Case No. -397 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Santosh Kumar, Son of Sri Nageshwar Prasad Singh, resident of Ashok Nagar, Road No. 8, Ram Lakhan Path, P.S. Kankarbagh, District- Patna presently residing at New Bahadurpur, Marwari Colony, Near Shyam Mandir, P.S. Bahadurpur, District- Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. Sitaram Jain, Son of Late Jugal Kishore Jain, resident of Bhagwat Nagar, 90 Feet Road Kumharar, P.O. Bahadurpur Housing Colony, P.S. Agamkuan, District- Patna.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Sudhir Kumar

For the Opposite Parties : Mr. Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 21-09-2017 Heard learned counsel for the petitioner, learned counsel appearing on behalf of informant and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Complaint Case No. 397 (C) of 2015, registered under Sections 384, 418, 506 and 120-B/34 of the Indian Penal Code.

The accusation is that complainant/O.P. No.2 approached the petitioner to sale his house on payment of consideration amount of Rs. 1,20,51,000/-. Thereafter, petitioner got managed meeting of the complainant/O.P. No.2 with his brother-in-law Manil Kumar and on negotiation Rs.1,03,80,000/- was fixed. On negotiation, Manil Kumar asked



to execute sale deed in favour of the petitioner. Out of consideration amount of Rs. 1,03,80,000/-, the petitioner paid Rs. 83,00,000/- on different dates in cash and at the time of execution of the sale deed, two cheques of Rs. 10,00,000/- each of Canara Bank and Central Bank were handed over to the complainant/O.P. No.2 by the petitioner and it was also endorsed that Rs.80,000/- will be paid in cash, but petitioner asked the complainant/O.P. No.2 at his house and cancelled one cheque of Rs. 10 Lakhs and other cheque was torn by him and on demand the said amount was not paid.

Learned counsel for the petitioner submits that, in fact, one cheque was cancelled by the petitioner due to handing over the cash of Rs. 10 Lakhs to the complainant in lieu of the other cheque, the petitioner issued another cheque in favour of daughter-in-law of the O.P. No.2 as in spite of sale deed, the daughter-in-law of the O.P. No.2 was not ready to vacate the sold house and daughter-in-law of the complainant-O.P. No.2 also issued a receiving of cheque of Rs. 10 Lakhs assured him to vacate the land.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of the A.C.J.M-II, Patna City in connection with Complaint Case No. 397 (C) of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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