

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31112 of 2017

Arising Out of PS.Case No. -498 Year- 2013 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

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1. Sanjay Singh Son of Late Singasan Singh R/o Village- Dasauti, P.S.-
Mohania, District- Kaimur at Bhabua

.... Petitioner/s

Versus

1. The State of Bihar
2. Sunil Kumar Singh Son of Rajbalav Singh R/o Village- Dasauti, P.S.-
Mohania, District- Kaimur at Bhabua

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Sri Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 13-07-2017 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 498 of 2013 instituted for the offence
punishable under Section 406 of the Indian Penal Code.

The complainant has alleged that this petitioner
mortgaged 62.5 decimals land in his favour for a total
consideration of Rs. 50,000/- for a period of four months. The
mortgage money taken by this petitioner was to be returned in
two installments. The petitioner in spite of legal notice did not
return the money and sold the land to different person and
thereby, committed breach of trust.



On perusal of F.I.R., the only allegation is that this petitioner had mortgaged the land by executing a mortgage bond on stamp paper but the said document has not been annexed with the complaint petition. The complainant has civil remedy to get the money realized on the basis of document in question. The petitioner, however, denies that any mortgage was executed in favour of complainant.

Considering the nature of allegation, facts and circumstances of the case, the anticipatory bail prayer is allowed. The petitioner, above named, in the event of arrest / surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Kaimur at Bhabua in connection with Complaint Case No. 498 of 2013, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sanjay Kumar, J)

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