

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34275 of 2014

Arising Out of PS.Case No. -211 Year- 2013 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

=====

1. Ganga Singh @ Ganga Singh Yadav Son of Late Sunder Singh Yadav Resident
of Village-Mirzapur (Dilian), Ward No.34, P.S.-Sasaram (T), District-Rohtas at
Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar
2. Irshad Ahmad Khan Son of Late Aaushaf Mir Khan Resident of Mohalla-
Nauranganj, (Ansarganj), P.S.-Sasaram (T), District-Rohtas.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sada Nand Roy
For the Opposite Party/s : Mr. S.M. Shabbir Alam
For the State : Mr. Akhileshwar Dayal, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 01-08-2017

This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 24.03.2014 passed by the learned Judicial Magistrate, 1st Class, Sasaram, Rohtas in Complaint Case No. 211 of 2013 whereunder the court below imposed a condition on the petitioner to deposit an amount of Rs. two lacs in four installments. The petitioner has further prayed to quash the order dated 06.06.2014 passed by the learned Sessions Judge, Rohtas at Sasaram in Criminal Revision No. 138 of 2014 whereunder he refused to interfere with the order of Judicial Magistrate.



2. Heard both sides and perused the record.

3. The Opposite Party No. 2 had filed a complaint case against the petitioner for the offence under Sections 406 and 420 of the Indian Penal Code as the petitioner refused to refund the earnest money to the tune of Rs. two lacs, which was given by the Opposite Party No. 2 in persuasion of agreement to execute the sale deed with respect to the land for a total consideration of Rs. six lacs. The learned Magistrate had taken cognizance under the aforesaid sections against the petitioner and he was summoned. The petitioner filed anticipatory bail petition before the Sessions Judge where his prayer was allowed subject to condition that the petitioner would deposit the said amount of Rs. two lacs in four installments. The petitioner did not comply the direction of the Sessions Judge in consequence of which his bail bond was cancelled by the court below on 21.04.2014. Against the said order, this petitioner filed Criminal Revision No. 138 of 2014, which after hearing both sides was also dismissed. The payment of Rs. two lacs in four installments was the condition for his bail, which was not complied with by the petitioner. The order cancelling his bail bond was in consonance with the order of Sessions Judge. The learned Sessions Judge has rightly dismissed the criminal revision. I do not find any illegality in the order requiring any interference under inherent



power under Section 482 of the Code of Criminal Procedure.

4. This application is, accordingly, dismissed.

(Sanjay Kumar, J)

ajaypd./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.08.2017
Transmission Date	03.08.2017

