

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41003 of 2017

Arising Out of PS.Case No. -2123 Year- 2016 Thana -PATNA COMPLAINT CASE District-
PATNA

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Kumar Sanjay Lal, Son of Late Motilal, Resident of Mohalla- Chakkan
Tola, North Mandiri, P.S.- Buddha Colony, District- Patna.

.... Petitioner.

Versus

1. The State of Bihar.
2. Munna Kumar, Son of Late Tulsi Ram, Resident of Mohalla- Post and
Telegram (P & T) Colony, Kidwaipuri, P.S.- Buddha Colony, District-
Patna.

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr.

For the State : Mr.

For the Opposite Party No.2 : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 15-12-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State as also the learned counsel for the
complainant/opposite party no.2.

The petitioner apprehends his arrest in connection with
Complaint Case No.2123(C) of 2016 registered under Section 406
of the Indian Penal Code.

The accusation is that the complainant/opposite party
no.2 entered into an agreement with the petitioner to purchase 190
square feet land on which the house is situated on payment of
consideration Rs.11,50,000/-. At that time, the



complainant/opposite party no.2 paid Rs.2,00,000/- to the petitioner as advance. Later on, Rs.50,000/- was also paid to the petitioner by the complainant/opposite party no.2 on 08.04.2015 and possession was also given to him. In spite of repeated request by the complainant/opposite party no.2, neither the petitioner executed the sale deed in respect of the land nor returned the money to him.

Learned counsel for the petitioner submits that, admittedly, the petitioner entered into an agreement to sell the house situated over 190 square feet land on payment of consideration Rs.11,50,000/- and at the time of entering into an agreement, Rs.2,00,000/- was paid by the complainant/opposite party no.2 as advance to the petitioner and, later on, Rs.50,000/- was paid to the petitioner by the complainant/opposite party no.2 on 08.04.2015. In spite of giving notice to the complainant/opposite party no.2 by the petitioner to come at the Registry Office for execution of the sale deed in respect of the land after payment of remaining amount of consideration, he did not come.

On the other hand, learned counsel for the complainant/opposite party no.2 submits that in spite of agreement with the complainant/opposite party no.2, this petitioner executed



the sale deed in respect of the land in dispute in favour of other persons.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Smt. Ritu Kumari, Judicial Magistrate, Patna, in connection with Complaint Case No.2123(C) of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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