

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43500 of 2017

Arising Out of PS.Case No. -11 Year- 2013 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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1. Avinash Kumar Sinha, S/o Late Maheshwar Prasad Sinha, resident of
Village- Lalpur, P.S.- Runnisaidpur, District- Sitamarhi

.... Petitioner

Versus

1. The State of Bihar.

2. Ram Suresh Rai, S/o Late Ramshobhit Ray, resident of Village- Rampur,
P.S.- Dumra, District- Sitamarhi

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Yogesh Chandra Verma, Sr. Adv.
with Mr. Anuj Kumar, Adv.

For the State : Smt. Anita Kumari Singh, APP 161

For the complainant : Mr. Ashhar Mustafa, Adv.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

2 20-09-2017

Heard Mr. Yogesh Chandra Verma, learned senior counsel appearing for the petitioner, the learned Additional Public Prosecutor and Mr. Ashhar Mustafa, the learned counsel for the complainant.

The petitioner apprehends his arrest in Complaint Case No. C-11 of 2013 under Sections 420, 406 and 504 of the Indian Penal Code.

The complainant alleged that the petitioner took money for selling 1 acre and 51 decimals of land at the rate of Rs.8,500/- per katha. The complainant alleged that the petitioner received the entire amount, but, refused to execute the sale deed.

The learned counsel for the petitioner submits that the petitioner had of course received the consideration amount, but, he returned the entire amount when some dispute arose.

On the other hand, the learned counsel for the complainant submits that the complainant did not receive any



amount from the petitioner.

Considering the facts and nature of allegation made against the petitioner, it appears that the dispute arose between two sides for execution of sale deed after receiving the consideration amount and the complainant denied to have received any amount whereas the case of the petitioner that he had already returned the consideration amount, let the petitioner, above named, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Complaint Case No. **C-11 of 2013** to the satisfaction of the **Chief Judicial Magistrate, Sitamarhi**, or successor Court, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Prabhat Kumar Jha, J)

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