

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1089 of 2017

Arising Out of PS.Case No. -414 Year- 2016 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

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Mahesh Kumar @ Mahesh Singh Yadav, Son of Ramanand Prasa, r/o
Mohalla - Nandan Nagar Kargil Chowk Jehanabad PS and Distt. Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Aunoor Rahman Chand, S/o Baliour Rahman, R/o village Kajisarai, Post
Kajisarai, PS Kako, Distt. Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate.
For the Informant : Mr. Ranjay Kr. Singh, Advocate.
For the State : Mr. Mukeshwar Dayal, APP

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

2 16-01-2017 Heard learned counsel for the petitioner, learned counsel
for the informant and the learned A.P.P. for the State.

The petitioner is accused in connection with Complaint
Case No. 414 of 2016 registered under Sections 323, 420 and 406 of
the Indian Penal Code and Section 138 of the N.I. Act.

The accusation is that the complainant-informant
negotiated to purchase 21.25 decimals of land of Khata No. 297 Plot
No. 297 from the petitioner at the rate of
Rs. 4 lac per katha and accordingly, informant handed over Rs.8 lack
to the petitioner in advance. But after measurement, the area of the
plot was found only 9 decimals. Thereafter, on 19.09.2015,
petitioner sold one katha land to him while petitioner had taken
advance of Rs.8 lac to sell 21.25 decimals land. As such, petitioner



cheated to the complainant. In spite of requested, the petitioner issued cheque of Rs.2,10,000/- to the complainant but the same was dishonoured due to insufficient amount.

Learned counsel for the petitioner submits that, in fact, petitioner executed one katha land in favour of Khusbu Kumari on consideration amount of Rs.5,32,000/- on the instruction of complainant-informant and for remaining amount, two cheques of Rs. 40,000/- in favour of complainant and Rs.50,000/- in favour of Rahul Kumar, were issued on instruction of complainant-informant, which were credited in their account. Further submission is that petitioner is in custody since 09.12.2016.

Having regard to the facts and the circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Jehanabad, in connection with Complaint Case No. 414 of 2016. Out of two sureties, one surety must be the close relative of the petitioner.

(Rajendra Kumar Mishra, J)

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