

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2829 of 2017

Arising Out of PS.Case No. -2570 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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Bablu Singh@ Bablu Kumar S/o Sri Surendra Singh Resident of Village-
Sikarpur, P.S. Sahpur, District-Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Rajeshwar Prasad Singh S/o Late Ram Dheyman Singh, Resident of
Village-Anda, P.O. + P.S. Phulwarisharif, District-Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh

For the Opposite Party/s : Mr. Madan Kumar

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 11-04-2017 Heard the learned counsel for the petitioner, the

learned A.P.P. for the State as also the learned counsel for the

Complainant.

In this application for anticipatory bail the petitioner
apprehends his arrest in connection with Complaint Case No. 2570
(C) of 2013 for the offences punishable under section 406 of the
I.P.C and section 138 of the N.I. Act.

Allegedly, the petitioner came with Gaurav Singh and
asked the complainant to purchase the land of Gaurav Singh for
Rs. 10,00,000/- and then Gaurav Singh took Rs. 3,00,000/- by way
of advance through cheque and executed the deed of agreement



but thereafter it transpired that Gaurav Singh had executed several deed of agreement with respect to that land to the different persons. Gaurav Singh also took Rs. 50,000/- through cheque from the complainant and then the complainant asked Gaurav Singh to return the amount with interest and damages. Legal notice was sent and then Gaurav Singh gave a cheque of Rs. 4,20,000/- to the complainant which was dishonored. The petitioner and Ranjeet Singh have signed as witnesses on the deed of agreement also.

Submission is of false implication and that the petitioner is simply a witness on the deed of agreement, he has not cheated the complainant rather it is Gaurav Singh who has taken the amount and gave cheque of Rs. 4,20,000/- which was dishonored and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the complainant opposes prayer for pre-arrest bail of the petitioner by submitting that the petitioner is relative of the complainant and he brought Gaurav Singh before him and he is broker and witness on the deed of agreement also.

In the facts and circumstances as stated above, considering that Gaurav Singh has executed the deed of agreement and he has given cheque of Rs. 4,20,000/- which has been



dishonored, the petitioner is simply a witness and as such the petitioner, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of. Sub. Judge-III –Cum- A.C.J.M. Patna in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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