

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18234 of 2017

Arising Out of PS.Case No. -415 Year- 2013 Thana -GAYA COMPLAINT CASE District- GAYA
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Madan Bhagat S/o Late Mukhlal Bhagat

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raja Surendra Mohan

For the Opposite Party/s : Mr. B. N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 18-05-2017

Heard both sides.

The petitioner apprehends his arrest in Complaint case No. 415 (C)/ 2013 under Section 420/34 of the Indian Penal Code.

The complainant alleged that he talked with the petitioner and his father for purchasing a piece of land. The petitioner and his father agreed to sale the land on payment of consideration money of Rs. 14,00,125/- and complainant transferred the amount in the account of Mukhlal Bhagat and the petitioner, son of Mukhlal Bhagat but the petitioner did not execute the sale deed nor returned the money.

The learned counsel for the petitioner submits that from perusal of the entire complaint petition, it would appear that the complainant has not made any sorts of allegation against the



petitioner. There was no written deed of agreement to sale for any piece of land. The complainant has not stated Khata, Khesra or plot No. of the land to be purchased by him and merely transferring some money in the account of a person does not show that there was any agreement to sale the land. It is further submitted that petitioner is the son of Mukhlal Bhagat and petitioner did not receive any money in his account.

On the other hand, the learned counsel for the complainant as well as the learned Additional Public Prosecutor vehemently opposed the prayer for anticipatory bail and submitted that the complainant transferred Rs. 14,00,125/- in the account of Mukhlal Bhagat and his son, the petitioner.

From perusal of the complaint petition itself, it appears that the complainant has not anywhere stated in the complaint petition that with regard to which land there was talk or oral agreement to purchase. Admittedly, there is no written agreement to purchase any piece of land by the petitioner and his father. Mere transferring of money in the account of anybody does not show that the money was transferred in lieu of consideration amount.

Considering the facts aforesaid and the nature of allegations made against the petitioner, the above named



petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-X, Gaya in Complaint Case No. 415(C) of 2013, T.R. No. 2966 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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