

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56249 of 2017

Arising Out of PS.Case No. -161 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Raghunath Pandey, aged about 65 years, Son of Late Ram Nath Pandey,
resident of Mohalla-Bank Road Back of Golghar Haldi Gali, Eastern side of
Police Line, Police Station- Gandhi Maidan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Awadhesh Prasad, aged about 57 years, Son of Late Nandan Prasad,
resident of Mohalla-Ghana Colony, Ram Krishna Nagar, Police Station-
Ram Krishna Nagar, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

ORAL ORDER

2 06-12-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Complaint Case No.161 of 2015 registered under Sections 120B,
420, 467, 468 and 471 of the Indian Penal Code.

The accusation is that the complainant/opposite party
no.2 talked to purchase 5 acres of land in village-Sheikhpura to the
petitioner, who was given the power of attotrny to sell the land by
Ramanand Singh. On negotiation, the rate of the land was fixed
Rs.4,51,000/- per Katha and agreement was prepared.



Accordingly, the complainant/opposite party no.2 gave Rs.1,01,001/- on 10.08.2010 to the petitioner and made signature on the agreement. Thereafter, the complainant/opposite party no.2 paid Rs.8,11,001/- and the petitioner also took Rs.45000/- from the complainant/opposite party no.2 showing an urgent work. While the complainant/opposite party no.2 sent legal notice to the petitioner for execution of the sale deed in respect of the aforesaid land in his favour but the petitioner did not pay any heed. The complainant/opposite party no.2 also approached the petitioner to execute the sale deed in his favour in respect of the land but the petitioner avoided the same.

Learned counsel for the petitioner submits that, in fact, the complainant/opposite party no.2 approached the petitioner to purchase 5 acres of land of Ramanand Singh, who had given power of attorney to the petitioner to sell the land, and the rate of the land was fixed Rs.4,51,000/- per Katha and the complainant/opposite party no.2 gave Rs.1,01,001/- to the petitioner as advance but, thereafter, the complainant/opposite party no.2 did not pay any penny to the petitioner. Only to put undue pressure upon the petitioner, the complainant/opposite party no.2 has lodged this false case.

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 Ms. Kiran Chaturvedi, Judicial Magistrate-II Class, Patna, in connection with Complaint Case No.161 of 2015, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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