

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54603 of 2017

Arising Out of PS.Case No. -368 Year- 2016 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Sanjay Kumar Gadia, Son of Hiralal Gadia, resident of village Purnahiya,
P.S.- Ghorasahan, Dist.- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sambhu Rai, Son of Late Sukhdeo Rai, resident of Village- Kaswa
Kadamwa, P.S.- Ghorasahan, Dist.- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anju Kumari @ Anju Narain, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

- 2 15-11-2017 Heard learned counsel for the petitioner and the State.
- The petitioner apprehends his arrest in **Complaint**
Case No. 368 C of 2016 (Trial No. 3737 of 2017) instituted for
the offence under Sections 406 and 420 of the Indian Penal Code.
- There is allegation in the complaint petition that
complainant paid an amount of Rs.8,00,000/- to this petitioner for
execution of sale deed. The sale deed was allegedly signed by the
petitioner and witnesses and the same was produced in the registry
office. The petitioner went away from the registry office and
refused to execute the sale deed.
- Learned counsel for the petitioner has submitted that
there is no any supporting document that Rs.8,00,000/- as



consideration money was paid to this petitioner. It has further been submitted that no any such paper was allegedly prepared. Counsel for the petitioner pointed out Solemn Affirmation of the complainant (Annexure-I) wherein to court question, the complainant has stated that he had given Rs.8,00,000/- without making any paper.

In such circumstances, utmost, the matter can be said to be a civil dispute.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Complaint Case No. 368 C of 2016 (Trial No. 3737 of 2017)**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Sub Divisional Judicial Magistrate, Sikrahna at Dhaka, Distt. East Champaran**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two



consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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