

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55224 of 2016

Arising Out of PS.Case No. -1197 Year- 2014 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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1. Hira Lal Singh Son of Ganesh Singh Resident of Village- Nonsari tola,
Police Station- Nokha (Dharampura), District- Rohtas at Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anil Kumar Singh Son of Vakil Singh resident of Village- Padava,
P.S.Nokha, District Rohtas at Sasaram.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh

For the Opposite Party/s : Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 20-04-2017 Heard the parties.

The petitioner is apprehending his arrest in connection with
Complaint Case No.1197 of 2014 registered for offences
punishable under Section 420 of the Indian Penal Code and
Section 138 of N.I. Act.

As per the complaint petition, an agreement was made with
respect to sale of the land at the cost of Rs.3,50,000/- and it is
stated that a cheque of Rs.3,50,000/- was issued on 12.06.2014 in
the name of the accused person but in spite of the same, they are
not executing the sale-deed and later on it was decided that the
accused persons will return the money and they have given a
cheque of Rs.1,20,000/- but its payment was stopped, as such
neither he is returning the money nor he is executing the sale-deed
of land.



It is submitted on behalf of the petitioner that Rs.70,000/- is due with the complainant itself and for that he has lodged another complaint case making the informant as accused in that case.

In this case, notice was issued to O.P.No.2 and he has appeared today and it is submitted on behalf of O.P.No.2 that he has already returned the money by R.T.G.S. but in spite of that he is not returning Rs.3,50,000/-.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant anticipatory bail to the petitioner, however, if the petitioner surrenders before the court below along with a cheque or bank draft of Rs.3,50,000/-, the learned court below will release the petitioner on being satisfied with the aforesaid bank draft or cheque and it is also made clear that the aforesaid bank draft/cheque will be deposited in the court below and the same will be given to the informant/complainant subject to result of the case.

With the aforesaid observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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