

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38169 of 2017

Arising Out of PS.Case No. -27684 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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Jyoti Kumar Son of late Ravindra Kumar Singh, Resident of Village-
Kalyanpur, P.S. Pipara, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Devendra Prasad Singh, Son of late Dhoolal Singh, Resident of Village-
Kalyanpur, P.S. Pipara, District Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Adv.

For the Opposite Party/s : Sri Shailendra Kumar -1, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 18-08-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 27684(C)/2014 registered for the
offence(s) punishable under section(s) 406 of the Indian Penal
Code.

Allegation, as per the complaint petition, is that this
petitioner had taken Rs.10,51,680/- from the son of the
complainant and executed a deed of agreement on 13.12.2011
agreeing therein to execute sale deed with respect to 15 decimals
land in favour of the son of the complainant, but the petitioner
neither executed the sale deed within the stipulated period of six



months nor returned the money and thereby cheated the son of the complainant.

The learned counsel for the petitioner submits that neither the petitioner executed any deed of agreement, nor received any money. The deed of agreement is forged and fabricated and the complaint has been filed by the father of the complainant with false and frivolous allegation. The dispute between the parties is purely a civil dispute so, he deserves anticipatory bail.

Learned Additional Public Prosecutor opposed the aforesaid submission.

On perusal of the complaint petition I find that the agreement was allegedly entered into between the petitioner and son of the complainant. The son of the complainant has not come before the lower Court for alleged cheating and misappropriation of his money. The agreement is for executing the sale deed for which son of the complainant has remedy to file a suit for specific performance of contract.

Considering the nature of allegation, facts and circumstances, as stated above, this application is allowed.

Let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six



weeks, 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 learned Chief Judicial Magistrate, Patna in connection with Complaint Case No. 27684(C)/2014, subject to the condition as laid down under Section 438 (2) of the Criminal Procedure Code.

(Sanjay Kumar, J)

Mahesh/-

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