

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27640 of 2017

Arising Out of PS.Case No. -2084 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Rama Shankar Prasad Yadav @ Rama Shankar Yadav, son of Late Sobhari Bhagat @ Khobhari Bhagat, Resident of Village- Rauniya, P.S.- Naubatpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Girish Kumar, S/o Late Braj Kishore Prasad Singh, residing at Chapra, East Budha Colony, P.O.- G.P.O., P.S.- Budha Colony, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Sri Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 12-09-2017 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. 2084(C) of 2015, registered under Sections 420, 468, 504 and 467 of the Indian Penal Code.

The accusation is that petitioner entered into an agreement with the complainant, Girish Kumar, to execute the sale deed in respect to 54 decimal land on consideration amount of Rs.15,00,000/-. Accordingly, the complainant-opposite party no. 2 paid Rs. 15,00,000/- and an agreement to sale was executed. But, in spite of repeated requested by the complainant-opposite party no.2, the petitioner did not execute the sale deed nor return the



money.

Learned counsel for the petitioner submits that admittedly, Rs.15,00,000/- was taken by the petitioner by way of consideration amount to execute the sale deed of 54 decimal land but in the meantime, complainant-opposite party no. 2 took the bricks of the brick kiln of the petitioner, in which, cousin of the complainant-opposite party no. 2 is also a partner and the complainant-opposite party no. 2 has also sworn an affidavit before the Notary Public, Danapur, on 14.10.2014 regarding receiving the bricks.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Patna, in connection with Complaint Case No. 2084(C) of 2015, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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