

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56453 of 2017

Arising Out of PS.Case No. -3346 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Shailesh Kumar @ Nippu, S/o Sri Umed Lal Singh, R/o Village-
Chandedih, P.S.- Punpun, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Guddu Kumar, S/o Sri Raghaw Prasad, R/o Jagdeo Nagar, Neer Leeds
Asian School, North of Bailey Road, PO & PS- Danapur, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Axiet Narayan, Advocate.

For the Opposite Party/s : Mr. Sri Akshay Lal Pandit, APP

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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. 3346-C of 2015, registered under
Section 420 of the Indian Penal Code.

The accusation is that complainant, Guddu Kumar,
negotiated to purchase the land of 15 decimal of Plot No. 681,
Khata No. 180, situated at Mauza Basuhar, on payment of
consideration amount of Rs.4,21,000/- per katha with the
petitioner and agreement to sale was executed and complainant
paid Rs.23,89,000/-. Later on, complainant showed the



willingness to purchase the other land to the petitioner. Thereafter, other land was arranged by the petitioner on consideration of Rs.8,89,000/- and sale deed was executed, but petitioner did not returned the remaining amount of Rs.15,00,000/- to the complainant, in spite of repeated requested.

Learned counsel for the petitioner submits that, in fact, complainant has conceded the fact in his complaint petition to the effect that after purchasing the land on payment of Rs.8,89,000/-, he entered into another agreement with the petitioner to purchase the other land on consideration of Rs.23,89,000/- and remaining amount of Rs.15,00,000/- was adjusted as advance and remaining amount is to be paid by the complainant according to the agreement to sale, which would appear from annexure 2 to the application. But only to give undue pressure the complainant has lodged he present case concealing the real fact.

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-VII, Patna, in connection with Complaint
Case No. 3346-C of 2015, subject to the condition as laid down
under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

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