

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13807 of 2017

Arising Out of PS.Case No. -7 Year- 2017 Thana -DANAPUR District- PATNA

=====

Satya Prakash @ Bhaskar, aged about 32 years, son of Late Shiv Bachan Shahu, resident of Vishanpura, P.S. Bihta, District-Patna.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

=====

Appearance :

For the Petitioner : Mr.

For the State : Mr.

For the Informant : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

6 12-09-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State as also the learned counsel for the informant.

The petitioner apprehends his arrest in connection with Danapur P.S. Case No.7 of 2017 registered under Sections 406 and 420 of the Indian Penal Code besides Section 138 of the N.I. Act.

The accusation is that this petitioner had visiting term with the informant Panchanand Sharma and due to that reason, on 18.11.2013, this petitioner made request to the informant to give some money for starting the business. Accordingly, the informant paid Rs.55,10,000/- on different dates, in between 2013 to 2016, to the petitioner but on much persuasion, the petitioner did not return the money to the informant. Lastly, the petitioner issued two



cheques, one of Rs.5,00,000/- and another of Rs.4,00,000/- in favour of the informant but on presentation of the same in the Bank, both the cheques were dishonoured due to insufficiency of money. While legal notice was sent to the petitioner on 27.12.2016 by the informant to the petitioner but in spite of that, the petitioner did not return the money, as detailed in both the cheques, to the informant.

Learned counsel appearing on behalf of the petitioner submits that, in fact, the informant and his son had transferred the amount of cash Rs.55,10,000/- on different dates, in the account of the petitioner as the petitioner was doing the business of selling and purchasing the land. Accordingly, two sale deeds, one of consideration of Rs.17,40,000/- and another consideration of Rs.5,00,000/- , one in the name of Janardan Prasad Singh, the Samadhi of the petitioner, and another in the name of two sons of the informant, were executed on 28.07.2014. On the same day, the informant also executed the agreement to sale the land on the consideration of Rs.15,00,000/- and the petitioner also issued two cheques, which are said to be of Rs.5,00,000/- and Rs.4,00,000/- but the informant dishonestly sold the land covered under the agreement to sale to another person. Further submission is that it would appear from the F.I.R. that the legal notice was sent to the



petitioner by the informant on 27.12.2016 but the same was received by the petitioner on 06.01.2017 but without passing over 15 days of receiving the legal notice, the informant has lodged this case on 08.01.2017 without giving any opportunity to the petitioner to reply to the legal notice.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Danapur, Patna, in connection with Danapur P.S. Case No.7 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

U		T	
---	--	---	--

