

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6421 of 2018

Arising Out of PS. Case No.-27 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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Lalu Rai, Son of Dwarika Rai, Resident of village- Digha, Patepur, Post
Office + Police Station- Digha, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Manoj Rai, Son of Bhola Rai, Resident of Rajeev Nagar, Road No. 11, Post
office- Keshri Nagar, Police Station- Rajeev Nagar, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh

For the Opposite Party/s : Mr. YOGENDRA KR. SINGH (APP)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-02-2018 Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 406, 420, 467, 465, 468 and 120B/34 of the IPC.

The prosecution case is that the complainant, Manoj Rai, expressed his desire to purchase the land of the petitioner and for the same the consideration amount was fixed as Rs. 50,000/- per Katha when the agreement to sale was executed on 03.06.2009 between the petitioner and the complainant for transfer of 1 Katha 3 Dhurs and 17 Dhurki. In pursuance to the said agreement, the complainant paid Rs. 1,00,001/- to the



petitioner and the petitioner issued receipt. The complainant again paid Rs. 1,57,420/- for which also receipt was issued. On request being made for executing the sale deed, the petitioner executed a power of attorney on 30.11.2009 and thereafter the complainant made certain construction, but on 05.08.2014, the petitioner sent a notice to the complainant that he has cancelled the power of attorney, thereafter the petitioner threatened and demanded extortion of Rs. 20 lacs.

It is submitted by learned counsel for the petitioner that for the same cause of action, earlier Rajeev Nagar P.S. Case No. 01 of 2015 was filed by the complainant with accusation under Sections 406, 419, 420, 387 and 506 of the IPC, wherein the petitioner has been granted bail by learned Sessions Judge, Patna vide order dated 30.01.2015, passed in ABP No. 559 of 2015, as contained in Annexure-6. The complainant has also filed Title Suit No. 381 of 2016. The petitioner admits the execution of power of attorney, but submits that he has certain dispute with his angante with regard to land in question, as a result of which, the sale deed was not executed. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the complainant submits that the



petitioner has cheated the complainant.

Considering the fact that in the earlier case filed with same cause of action, the petitioner has been granted bail, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Patna in connection with Complaint Case No. 27C of 2015, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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