

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52559 of 2017

Arising Out of PS. Case No.-419 Year-2015 Thana- SHRIKRISHNAPURI District- Patna

Alok Kumar Singh Bilder @ Alok Kumar Singh, S/o Raj Kishore Singh, R/o Flat No. 401,402, Block-A, Ashirbad Enclave, Anandpuri, Patna, Police Station- Krishnapuri, District- Patna. At present residing at Ashok Nagar Road No. 2, Main Road Ranchi, P.S.- Argora, District- Ranchi (Jharkhand).

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Nishant Gaurab, S/o Sri Moti Prasad, Chandani Chauk, P.S.+District-Sheikhpura, A/P Ashirbad Apartment C Block, Ground Floor, Anandpuri, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh
For the Opposite Party/s : Mr. SRI NAWAL KISHORE PRASAD

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 15-02-2018 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Sri Krishnapuri P.S. Case No. 419 of 2015 registered for the offences punishable under Sections 406,420,448,341,323,307,379,427/34 of Indian Penal Code.

The case of the prosecution is that the informant contacted the petitioner who is a builder, for purchase of one room and for the said purpose the informant had made an R.T.G.S. transfer of Rs. 4,00,000/- and, thereafter, given a sum of Rs. 3,00,000/- to the care-taker of the petitioner. It is further alleged that subsequently neither money was returned nor room was sold to the informant.



Learned counsel for the petitioner submits that there is no agreement for sale for the said room and nothing incriminating has been attributed as against the petitioner, except the payment made through RTGS by the informant to accused Dharambeer, as such the present dispute can at best be said to be a civil dispute for which the appropriate remedy is to approach the court of competent jurisdiction.

Having regards to the facts and circumstances of the case, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be released on anticipatory bail furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Patna, in connection with Sri Krishnapuri P.S. Case No. 419 of 2015 subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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