

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64646 of 2018

Arising Out of PS. Case No.-605 Year-2016 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Arun Kumar Sinha S/o Late Yogendra Prasad, Resident of Mohalla-Shankar
Nagar,Ramna,P.S. Mitanpura,Distt.-Muzaffarpur

... .. Petitioner

Versus

1. The State of Bihar
2. Ravi Shankar Prasad Shrivastava S/o Sri Sachidanand Prasad Resident-
Harivansh Kutir Orient Club Lane,P.S. Kaji Muhammadpur,Distt.-
Muzaffarpur

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Rajeev Shekhar
For the Opposite Party/s : Mr. Suresh Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 14-12-2018 Heard learned counsel for the petitioner, learned
counsel appearing for opposite party no. 2 as well as learned
Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Complaint Case No. 605 of 2016 registered for the offences
punishable under Section 420 of the Indian Penal Code and
Section 138 of Negotiable Instrument Act.

It is admitted case of opposite party no. 2 that
petitioner entered into an agreement to sell his land and in
advance took Rs. 3,95,000/- but subsequently on this or that
reason, the petitioner did not execute sale deed nor returned the
amount. However, when opposite party no. 2 pressurized the



petitioner and filed a suit for specific performance of contract, the petitioner gave a cheque which became bounced when presented before the concerned Bank.

Learned counsel appearing for the opposite party no. 2 submits that it is a clear cut case of cheating but even if the case of the complainant assumed to be true, then also, prima facie the ingredients of Section 420 of the I.P.C. does not appear to be present in this case.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate cum Sub Judge-1st, East, Muzaffarpur in Complaint Case No. 605 of 2016 corresponding to Trial No. 364 of 2018, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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