

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3551 of 2018

Arising Out of P.S.Case No. -49 Year- 2017 Thana -NIYAMCHANDPUR District- BEGUSARAI

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Bishwa Mohan Singh @ Tuntun Singh, son of Birendra Singh @ Biro Singh, R/o Village- Chandpura, P.S.- Neema Chandpura, District- Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Chandan Kumar Kashyap, Advocate

For the Opposite Party : Smt Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 06-02-2018

Heard.

The petitioner apprehends arrest in connection with Nimachandpur P.S.Case No.49 of 2017 registered for an offence under Section 420 and 406/34 of the IPC.

The allegation against this petitioner is that he along with Ashutosh Kumar Singh came at the place of the informant and introduced him to Ashutosh Kumar Singh. The said Ashutosh Kumar Singh took an amount of Rs.5,50,000/- and executed a mortgage bond giving right to cultivate the land measuring 5 ½ bighas by mentioning wrong survey plot number which was not in existence. The petitioner and said Ashutosh Kumar Singh have thus cheated the informant and committed breach of trust.

It has been submitted that the petitioner did not



introduce Ashutosh Kumar Singh. The said Ashutosh Kumar Singh had entered into an agreement for selling the land measuring 9 ½ bighas of land for a consideration of Rs. One crore and fourteen laks and executed a deed of agreement dated 29.07.2015. The said Ashutosh Kumar Singh subsequently executed sale deed only for an area measuring six bighas for a consideration of Rs.16 lakhs. The wife of the informant has filed a Title Suit No.53 of 2016 in the Court of Sub Judge-Ist, Begusarai for specific performance of contract with respect to remaining land. This petitioner had or has no concern with the transaction between the informant or his wife. The real dispute is between Ashutosh Kumar Singh and informant which is purely a civil dispute.

The learned APP as well as the informant opposed the submissions. It has been submitted that the petitioner in collusion with co-accused Ashutosh Kumar Singh duped the informant and committed breach of trust by retaining an amount of Rs.5,50,000/- which was given to Ashutosh Kumar Singh as mortgage money.

Considering the omnibus allegation against the petitioner and also the civil nature of dispute, the prayer for anticipatory bail is allowed. Let the above named petitioner in the event of his arrest or surrender before the court below within six weeks from today be released on anticipatory bail on furnishing



bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of ACJM-VI, Begusarai in connection with Nimachandpur P.S.Case No.49 of 2017 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sanjay Kumar, J)

B.Kr./-

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