

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51812 of 2017

Arising Out of PS.Case No. -1091 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Shambhu Yadav S/o Lal Baharan Choudhary, R/o Village- Rampur Bishunpur, P.S.- Siwan Mufassil, District- Siwan, at present Vijay Vihar Colony, West of RPS School, Saguna, P.S.- Danapur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gopal Sharan Singh Son of Late Yamuna Prasad Singh, R/o Mohalla- Mahmaddpur Karji, P.S.- Phulwari Sharif, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Sri Akhileshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 16-07-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with Complaint Case No.1091 (C) of 2015 registered for offences punishable under Section 420 of the Indian Penal Code.

Allegation against the petitioner is that he get executed sale deed for a property at the cost of Rs.1,15,00,000/- and it is stated that Rs.61,00,000/- has been handed over and for Rs.54,00,000/- he had given a cheque but due to some correction, it was not encashed.

Submission of the learned counsel for the petitioner is that no offence under Section 420 of the IPC is made out as there is no



false representation and there is no inducement and he has got executed the sale deed and he is in possession of the land.

Heard learned A.P.P. and the learned counsel for the informant. They have opposed the prayer for bail and submitted that earlier in the lower court he was ready to pay the money by the bank draft but now he refused to pay Rs.46,00,000/- and intention of the petitioner appears from the fact that from the very beginning he is interested in misappropriating the amount..

Having heard both sides and in view of the facts and circumstances, as stated above, this application is disposed of with direction to petitioner to surrender before the learned court below within a period of six weeks from the date of receipt of the order and make prayer for regular bail, who will examine if the petitioner desires to make payment in reasonable installments of Rs.46,00,000/-, he will consider the same otherwise he is free to pass any order.

With the aforesaid direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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