

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26459 of 2018

Arising Out of PS.Case No. -317 Year- 2016 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Binod Kumar Gupta aged about 42 years, Son of Amarnath Gupta,
Resident of Mohalla- Pua Gali, P.O. Jhauganj, P.S.- Chowk Patna city,
Dist.- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mukesh Kumar, Son of Late Ram Babu Pandit, at present Village-
Alipur, P.S.- Bihta, Dist.- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rudra Deo

For the Opposite Party/s : Mr. Sri Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 18-06-2018 The petitioner is apprehending his arrest in connection
with Complaint Case No. 317(C)/2016, registered for offences
punishable under Sections 406, 420, 120(B), 323, 324 and 311 of
the Indian Penal Code.

Allegation as per complaint is that complainant has
entered into an agreement with the petitioner for execution of sale
deed for certain piece of land and for that he had given Rs. 10 lac
to the petitioner, however, neither the sale deed was executed nor
the money was returned.

It has been submitted on behalf of the petitioner that the
dispute is entirely of civil nature and for that the complainant



should have filed the case for specific performance of contract. Moreover, the petitioner is still ready to execute the said land in favour of the complainant.

Heard learned A.P.P. as well as learned counsel for the informant. Learned counsel for the informant has submitted that in fact that the land in question does not belong to the petitioner and he has fraudulently taken Rs. 10 lac from the complainant.

Having heard both sides, considering the facts and circumstances of the case, , let the petitioner above named, 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, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM –IV, Patna City, Patna, in connection with Complaint Case No. 317(C)/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Vinod Kumar Sinha, J)

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