

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33208 of 2018

Arising Out of PS.Case No. -3510 Year- 2017 Thana -PATNA COMPLAINT CASE District-
PATNA

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Veermani Kumar Singh, Son of Late Yadunandan Singh, Resident of 8L-72, Bahadurpur Housing Colony, P.S.- Agam Kuan, District- Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. Anju Kumari, Daughter of Sri Jwala Prasad Singh, Wife of Sri Shashi Bhushan, Resident of Mohalla- Postal Park, P.S.- Jakkanpur, District- Patna, at presently residing at Alka Colony, Sandalpur Road, P.S.- Bahadurpur, District- Patna.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. D.K. Sinha, Sr. Advocate and Mr. Abhinay Raj, Advocate.

For the State : Mr. Rajendra Singh Shastriji, A.P.P.

For the O.P. No. 2 : M/S. Manish Kumar and Gajendra Kumar Singh, Advocates.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 05-11-2018 Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel for the opposite party no.

2.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 420, 406, 468, 471, 323, 379, 504, 506 and 120(B) of the IPC.

The prosecution story, in brief, is that the complainant-Anju Kumari was in need of a piece of land. Her husband, namely, Shashi Bhushan contacted with this petitioner in



this regard, who assured him that he has a piece of land situated at Mauza Pahari. The rate of the land was fixed at Rs. 37.50 Lakhs per *Katha*. Accordingly, a deed of agreement was executed on 16.10.2015. Thereafter, Rs. 82,00,000/- (Rupees Eighty Two Lacs) has been paid by the complainant to this petitioner. The sale deed was also executed by co-accused Harendra Kumar @ Manish Kumar in favour of the complainant. Thereafter, it came to light that the real owner of the said land is one Harendra Kumar, a resident of Nalanda and by forging the documents the sale deed has been executed. Thereafter, the complainant complained to this petitioner and one Adarsh Kumar, they accepted the guilt and assured for refund of Rs. 70,00,000/- (Rupees Seventy Lakhs) to the complainant. Cheques were also issued but the same were dishonoured due to insufficient fund. It is also alleged that when the complainant again went to complain regarding this, then the accused persons Chintamani Pandey and Garima Pandey assaulted the complainant and snatched her gold chain. It is also alleged that when the complainant went to the house of this petitioner, then his wife, namely, co-accused Anjula Sinha threatened for dire consequences if the money is demanded.

A joint affidavit bearing I.A. No. 3121 of 2018 has been filed by the parties. The terms and conditions of settlement



are as follows:-

- “ 4. That the petitioner agreed to pay Rs. 30 Lakhs to the complainant/opposite party no. 2. Out of which, Rupees 9 Lakhs has been paid by him earlier and out of remaining Rs. 21 lakhs, Rs. 3 lakhs has been paid by the petitioner to opposite party no. 2 in Court itself and Rs. 2,15,000/-subsequently.
5. That the aforesaid case was heard on 19.07.2018 and the petitioner given undertaking in the court that he will pay the entire rest amount of Rs. 21 lakhs within Six months. The Hon'ble Court on the undertaking of the petitioner granted Six months time to the petitioner for payment of rest amount of Rs. 21 lakhs and accordingly cheques of Rs. 3 lakhs has been given in the court which has been received by the opposite party no. 2.
6. That it is submitted here that the petitioner has paid Rs. 2,15,000/- within three months after passing of the order dated 19.07.2018.
7. That the petitioner is to pay entire rest amount of Rs. 15,85,000/- within three (3) months, in the bank account of the opposite party No. 2.
8. That the petitioner has to pay Rs. 30 Lakhs out of which he has paid Rs. 14,15,000/- and rest amount of Rs. 15,85,000/- still dues upon the petitioner.
9. That the petitioner is to pay the rest amount of Rs. 15,85,000/- as per the time fixed by this Hon'ble Court dated 19.07.2018.
10. That in view of above said facts the criminal case itself he dropped with respect to petitioner.”

Considering the fact that the matter has already been settled between the parties on the following terms as indicated



above, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VIII, Patna, in connection with Complaint Case No. 3510 (C) of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

