

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46142 of 2018

Arising Out of PS.Case No. -71 Year- 2016 Thana -LAHERIMUHALLA District- NALANDA
(BIHARSHARIFF)

=====

Alok Kumar, S/o Sri Mathura Prasad, R/o Vill.- Dulhin Bazar, P.S.- Dulhin
Bajar, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Ajay Kumar Thakur and Mr. Shashank
Shekhar, Advocates.

For the Opposite Party : Mr. Vinod Shankar Modi, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 11-09-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 406 and 420/34 of the IPC.

The prosecution story, in brief, is that the informant
and her husband paid Rs. 7,01,000/- till 04.05.2015 to Awani
Engicom Developers Private Limited for allotment of Bungalow
and as per agreement, to hand over the same till October, 2015 but
neither the Bungalow nor the money was returned. Hence, the
accused persons including the petitioner cheated the heavy amount
of the informant because up-till-now even the land has not been
purchased for construction of Flats/Bungalow.



It has been submitted by learned counsel for the petitioner that the petitioner has been made accused in the present case due to mistake of fact. There is no allegation of tampering with the witnesses alleged against the petitioner. At the relevant time, the petitioner was not the Managing Director of the said Company. It is further submitted that the petitioner is ready to deposit an amount of Rs. 2,50,000/- (Rupees Two Lac Fifty Thousand only) in the court below which may be subject to final disposal of the case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the submission made on behalf of the petitioner, the petitioner is directed to deposit an amount of Rs. 2,50,000/- (Rupees Two Lac Fifty Thousand only) in the court below which shall be subject to final disposal of the case. On doing so, 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.-1, Nalanda, in connection with Laheri P.S. Case No. 71 of 2016 subject to the conditions as laid down under Section 438(2) of the



Code of Criminal Procedure.

If so advised, either of the parties will be at liberty to make an application before the court below for referring the matter to the District Mediation Centre for the purpose of settlement of the issue in question.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)

