

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43705 of 2018

Arising Out of PS. Case No.-3814 Year-2015 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Bishwanath Singh Son of late Shivji Singh Resident of Mahboob Khan Tola,
Near Purana Bus Stand, Police Station: K. Hat, District: Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Devi Wife of Raj Kumar Agrawal Resident of Gulabbag, Police
Station: Sadar, District: Purnea.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 12-12-2018 Heard counsel for the petitioner and counsel
appearing on behalf of the State.

The petitioner is apprehending arrest in
connection with Complaint Case No. 3814 of 2015 for offences
under Sections 406 and 420 of the Indian Penal Code and
Section 138 of the Negotiable Instrument Act.

Mr. Nawal Kishore Agrawal, learned senior
counsel appearing for the petitioner submits that the petitioner
has no criminal antecedent. Referring to the prosecution case he
submits that the entire case is in relation to breach of an
agreement between the parties. The informant has paid Rs. 5/-
lakhs by way of cash and on failure to execute sale deed in



favour of the informant, the petitioner has issued cheque amounting to Rs. 5,40,000/- which was dishonoured. Thereafter the petitioner has paid Rs. 4,10,000/- by way of cash to the informant and he is ready to pay the balance amount of Rs. 1,30,000/- within a period of two months. He also undertakes to provide security which will finally abide by the decision in the criminal case.

Mr. Nawal Kishore Agrawal, learned senior counsel appearing on behalf of the petitioner further submits that at the relevant time the daughter of the petitioner was suffering from breast cancer, who was under treatment at TMH, Bombay and as such the money was not arranged by the petitioner.

Considering the fact that at the relevant time the daughter of the petitioner was suffering from cancer and the fact that precisely the issue involved in the instant case is money transaction in connection with an agreement for sale of certain land and the petitioner has no criminal antecedent, the court is inclined to grant anticipatory bail to the petitioner. Let the petitioner, above named, in the event of arrest or surrender within four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the



like amount each to the satisfaction of the Chief Judicial Magistrate, Purnea in connection with Complaint Case No. 3814 of 2015, subject to the conditions as laid down under Section 438(2) Cr. P. C. and further that the petitioner will provide security before the court below and undertaking that he will pay Rs. 1,30,000/- within a period of two months from today.

(Anil Kumar Upadhyay, J)

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