

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53217 of 2017

Arising Out of PS.Case No. -2862 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Avinash Kumar, s/o late Ram Naresh Sharma, r/o village-Taret, P.S.-
Naubatpur, in the District of Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Savitri Devi, w/o late Rajeshwari Singh, r/o village- Gajachak
Mahmadpur, P.S.- Janipur, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6/ 08-03-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Complaint Case**
No.2862-C of 2015 instituted for the offence under Section(s)
406, 417 Indian Penal Code.

There is allegation in the complaint that the
Complainant executed power of attorney in favour of the
petitioner to sale her land. The petitioner sold the land on the
basis of the aforesaid power of attorney, but did not pay sale
proceeds of the land to the Complainant. It is also alleged that
land was sold at lesser price and consideration amount was not
paid.

Notice was issued to the Opposite Party No.2, but
the same was returned with report that no such person resides at



the present address.

From the Complaint Petition itself, it appears that civil remedy is available to the Complainant.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Complaint Case No.2862-C of 2015**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Judicial Magistrate, 1st class, Patna**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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