

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2057 of 2018

Arising Out of PS. Case No.-20 Year-2017 Thana- SAHJAHANPUR District- Patna

Kaushal Kishore, Son of late Brijnandan Prasad Sinha, Resident of Mustafapur Arai, P.S. Shahjahanpur, District Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey

For the Opposite Party/s : Mr. SRI NAWAL KISHORE PRASAD

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-01-2018 Heard learned counsel for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under sections 420 and 406 of the IPC.

The prosecution case as per the written report of Ajay Kumar Yadav submitted to the SHO, Shahjahanpur, is to the effect that on 25.11.2015, the informant entered into a purchase agreement for purchase of the land appertaining to Thana No. 96, Khata No. 33, Plot No. 1095 with the petitioner and gave Rs.2,33,000/- but the petitioner failed to execute the sale deed. On 25.6.2016 the informant served a legal notice upon the petitioner, but in spite of that the sale deed was not executed.

It is submitted by learned counsel for the petitioner that out of Rs.2,33,000/-, the petitioner has transferred Rs.20,000/-



in the bank account of the informant and Rs.30000/- has been given in cash to the informant. It is further submitted that petitioner is ready to return the rest amount to the informant.

Considering the present stand of the petitioner, on deposit of Rs.2,11,000/- through bank draft in favour of the informant before the learned court below, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Patnacity in connection with Shahjahpur P.S. Case No.20 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

The draft amount will be released in favour of the informant provided he undertakes to resolve the issue by filing appropriate application before the learned court below, otherwise the amount so deposited will be subject to the result of the case.

(Dinesh Kumar Singh, J)

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