

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48659 of 2017

Arising Out of PS.Case No. -168 Year- 2017 Thana -RAJIVNAGAR District- PATNA

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1. Sukesh Kumar, Son of Sri Ambika Prasad Singh, Resident of Flat No.2F,
Chitra Complex, Ambedkar Path, Nandan Puri Colony, P.S.- Rajiv Nagar,
District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh

For the Opposite Party/s : Mr. Sri Rajkishore Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7 05-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Rajivnagar P.S. Case
No. 168 of 2017 instituted for the offence under Section-406 of the
Indian Penal Code.

It has been submitted that the flat in question has already
been sold to some other person. He admits of having received Rs.
2,00,000/- however, he did not admit to receive Rs. 51,000/-

Counsel for the informant has appeared and submitted that
an amount of Rs. 2,00,000/- was given to the petitioner by the
informant on 18-02-2017. The aforesaid flat was not sold in his favour
and the petitioner sold the flat to some other person after getting higher
price. It has been submitted on behalf of informant that Rs. 2,00,000/-
was transferred by NEFT on 18-02-2017 and an amount of Rs. 51,000/-
was paid in cash on 20-02-2017 for the aforesaid flat.



The counsel for the petitioner has submitted that he is ready to refund the amount to the informant within a period of two months.

In such circumstances, this anticipatory bail petition is disposed off with direction to the petitioner to surrender in the court below within a period of eight weeks from the date of receipt of copy of this order with valid receipt showing payment of Rs. 2,51,000/- to the informant by demand draft and in that event, the court below will enlarge the petitioner on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Rajivnagar P.S. Case No. 168 of 2017 subject to condition as laid down u/S 438(2) of the 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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