

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12893 of 2018

Arising Out of PS.Case No. -2150 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Ashok Kumar @ Sethjee Son of Sri Doman Sah, Resident at Flat No-201 of Vishal Sumitra Apartment, Mohalla-Rajendra Nagar Road No.-2(B), P.S.-Kadam Kuan, District Town-Patna

.... Petitioner

Versus

1. The State of Bihar
2. Nitu Sinha Wife of Muni Shankar Prasad, Resident at Nala Road Langar Toli Lane, Bind Kothi Kadam Kuan, P.S.-Kadam Kuan, District/ Town-Patna.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Birendra Sharma

For the Opposite Party/s : Mr. Yogendra Kr. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 26-07-2018 Heard learned counsel for the petitioner.

Petitioner apprehends his arrest in connection with Complaint Case No. 2150(C) of 2015 lodged for the offences punishable under Section 406 of the Indian Penal Code.

Allegation against the petitioner is that he reached to an agreement with the complainant for sale of a piece of land and received Rs.16 lakhs from her and thereafter she came to know that the land is disputed land and demanded the money but petitioner has not paid the same.

Submission of learned counsel for the petitioner is that he has already returned Rs.4 lakhs to the complainant but as the case



has been lodged he could not return the money and he is ready to return the rest of the money to the complainant in three instalments.

Heard learned APP also. In spite of valid service of notice the opposite party No.2 has not appeared.

Having heard both sides and in the facts and circumstances, let the petitioner, named above, surrender within a period of six weeks from the receipt of this order along with a Bank Draft of Rs.4 lakhs payable in the name of opposite party No.2 and once it is paid he will be released on provisional bail for a period of two months and he will continue to pay the rest of the amount in two equal instalment in the first week of next two months and when the total amount is deposited, his bail bond shall be confirmed. However, it is made clear that on failure to deposit any instalment, his bail bond shall be cancelled.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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