

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24015 of 2018

Arising Out of PS.Case No. -3743 Year- 2015 Thana -PATNA COMPLAINT CASE District -
PATNA

=====

1. Roshan Kumar, son of late Bipin Kumar, resident of Mohalla -
Ballamichak, P.O. - Anisabad, P.S. - Gardanibagh, Dist - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sanjay Kumar, son of late Bindeshwar Prasad, resident of Mohalla
Bhikachak, P.S. Gardanibagh, District Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vinay Kumar, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

Mr. Anil Kumar Sharma, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 26-06-2018

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for Complainant-Opposite
Party No.2.

Petitioner apprehends his arrest in **Complaint Case**
No.3743-C of 2015 instituted for the offence under Section(s)
420 Indian Penal Code.

It is alleged in the Complaint Petition that agreement
was entered into between the Complainant and this petitioner for
sale of six *dhur* of land as mentioned in the agreement for sale
and amount of rupees thirty five lac was paid to the petitioner by
the Complainant. The Complainant later on learnt that aforesaid
land was sold by the wife of the petitioner on which petitioner



was a witness on sale deed.

Counsel for the petitioner has submitted that the Complainant after filing of the instant case has filed a suit for specific performance of contract on the basis of aforesaid agreement for sale with respect to the same land vide Title Suit No.82 of 2016, which is pending between the parties.

In such circumstances, petitioner has already adopted civil remedy by filing suit for specific performance of contract.

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.3743-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)

JA/-

U		T	
---	--	---	--

