

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25988 of 2018

Arising Out of PS. Case No.-615 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Krishna Kumar Singh S/o Late Rajendra Narayan Singh, R/v 1/12, Keshari
Nagar, P.S.- Patliputra, P.O.- Keshari Nagar, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Moti Prasad Singh S/o Late Nakul Prasad Singh, R/v Rajeev Nagar, Road
No.6, P.S.- Rajeev Nagar, Distt.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha
For the Opposite Party/s : Mr. Sri Satyavarat Verma

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7 10-07-2018 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel for the informant.

Petitioner apprehends his arrest in Complaint Case No.
615 of 2016 instituted for the offence under Section(s) 406 and
420 of the Indian Penal Code and 138 of the N.I. Act.

In the complaint petition, it is alleged that complainant
has orally talked for purchase of the land from the petitioner and
he made payment of Rs. 5,00,000/- by online transfer and Rs.
40,000/- cash but land was not given to the complainant by the
petitioner. Thereafter, the petitioner issued cheque of Rs.
5,40,000/- dated 01.12.2015 which was presented in the Bank
on 07.12.2015 and the same got bounced on 08.12.2015 for
insufficient fund.



Learned counsel for the petitioner has submitted that there is no any agreement between the parties with respect to sale of land. The learned counsel has pointed out Annexure-4 which is complaint filed by the petitioner against the complainant and other family members in which there was agreement for purchase of the land. The petitioner had received an amount of Rs. 21,00,000/- from the family members of the complainant as well as the complainant either by cheque or online transfer. He had returned the entire amount of Rs. 21,00,000/- on various dates by cheques and other means as mentioned in detail in the aforesaid complaint petition which is annexed as Annexure-4 to the bail petition. It is further submitted that since no amount was directly paid for the aforesaid transaction in account of the complainant by the petitioner the instant case has been lodged. It is further submitted that, in fact, petitioner has no dues with the complainant. There is no any document to show that agreement for purchase of land has been entered into between complainant and petitioner.

Learned counsel for the complainant has appeared and submitted that complainant entered into an oral agreement with the petitioner for purchase of land. It is further submitted that



all the transaction of the family members of complainant was done in the year 2014. The cheques have been issued in the instant case by the petitioner in the year 2015 which got bounced.

After hearing the rival contention of the parties, this court finds that there is dispute between parties for transaction of money, which is purely a matter of civil dispute. The complainant has civil remedies for the same.

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. 615 of 2016, 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 absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner 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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