

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34748 of 2018

Arising Out of PS.Case No. -1947 Year- 2017 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Gulshan Prem @ Krishna Kumar, son of Late Laxmi Narayan Prasad, resident of Khaprail chak, P.O. and P.S. Parsa Bazar, District- Patna presently residing at Chudi Market, Shivalaya Mandir Lane, P.O. and P.S. Kadam Kuan, Patna- 800003.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ajay Kumar, Son of Late Shiv Narayan Prasad resident of Khaprail Chak, P.O. and P.S. Parsa Bazar, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal

For the Opposite Party/s : Mr. Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 10-07-2018 Heard both sides.

The petitioner apprehends his arrest in Complaint Case No.1947(C) of 2017 registered under Sections 504 and 406 of the Indian Penal Code.

The complainant alleged that the petitioner executed a deed of agreement to sell a piece of land and received Rs.10 lacs as advance but the petitioner could not execute the sale deed nor returned the advance money.

The learned counsel for the petitioner submits that the complainant was knowing the fact about the non-execution of the sale deed since one of the members of the family of the petitioner



filed a suit. Another member of the family executed sale deed in favour of third person with regard to the same land. Petitioner is ready to return the entire amount of Rs.10 lacs in four installments.

The learned counsel for the complainant submits that if he received the entire amount in four installments, he has got no objection if the petitioner is granted anticipatory bail.

Having considered the facts and the submissions of both sides, the petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna in connection with Complaint Case No.1947(C) of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure and also subject to the condition that the petitioner shall return Rs.10 lacs to the complainant in four monthly installments, first installment shall be paid within one month from the date of receipt of this order through RTGS/Bank Draft to the complainant.

If the petitioner fails to pay any installment to the



complainant, the learned Court below shall cancel the bail bond of
the petitioner forthwith thereafter.

(Prabhat Kumar Jha, J)

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