

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57775 of 2018

Arising Out of PS. Case No.-1043 Year-2016 Thana- COMPLAINT CASE District- Banka

Sachchidanand Choudhary @ Sachidanand Choudhary, son of Late Ramotar Choudhary, resident of Village- Akagora (Barahat), Police Station- Barahat, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Mukund Pd. Choudhary, S/o Late Ramotar Choudhary, resident of Village- Akagora (Barahat), Police Station- Barahat, District- Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee
For the Opposite Party/s : Mr. Sri Mustaque Alam

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-12-2018 Heard the learned counsel for the petitioner and the State.

The petitioner seeks bail in anticipation of his arrest in connection with Complaint Case No. 1043 of 2016 in which cognizance has been taken under Sections 406, 420 and 120(B) of the Indian Penal Code.

The petitioner and opposite party no. 2/complainant are own brothers. The allegation in the complaint petition is that approximately Rs. 3.5 lakhs was paid by opposite party no. 2 to the petitioners, out of which amount Rs. 2.5 lakhs was paid by way of draft for sale of seven decimals of land. Neither the land was sold nor the money has been returned.

Mr. Ajay Mukherjee, learned counsel appearing



for the petitioner has submitted that the money is said to have been paid to the complainant in the year 2016 whereas the complaint has been lodged in the year 2017. It has further been submitted that because of some inexplicable reason, the sale deed could not be executed with respect to the land for which money was deposited by opposite party no. 2. However, in lieu of that land, another land of more or less the same measurement has been given to opposite party no. 2, which fact has been suppressed in the complaint petition. It has further been submitted on behalf of the petitioner that two other accused persons, one being the son of the petitioner and the other being another brother have been granted anticipatory bail by a bench of this Court on 10.09.2018 passed in Cr. Misc. No. 53730 of 2018.

The aforesaid order which has been passed on across the board is taken on record.

From the perusal of the order referred to above, it appears that in the aforesaid case, the informant had appeared through a counsel and had objected to the grant of anticipatory bail. This being the situation, this Court in the present petition does not require the presence of the complainant/opposite party no. 2.



For the facts stated above, the petitioner above named is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Banka in connection with Complaint Case No. 1043 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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