

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4531 of 2019

Arising Out of Complaint Case No.-1309 Year-2017 District- Patna

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Rajballabh Singh, aged about 51 years (M), Late Hira Lal Singh, Resident of Village-Chilbilly, P.S.-Beur, Distt.-Patna, at present renter of house of Santosh Kumar Sharma near Beur Mitha Kuwan (Dr. Kunal) P.S.-Beur, Distt.-Patna. Gender Male.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Seema Sinha, aged about 45 years, wife of Sri Dilip Kishore Sharan, permanent Address Village + Post -Narhana Gopalpur, P.S.-Maner, Distt.-Patna. At present Nayatola, Saristabad Medical Shop in front of Dr. Gayatri Kumari, P.S.-Gardanibagh Dist.-Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rana Baljit Singh
For the Opposite Party/s : Mr.Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-02-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

Petitioner is seeking anticipatory bail in connection with Complaint Case No.1309 (C) of 2017 punishable for offences punishable under Section 406 of the Indian Penal Code.

Learned counsel for the petitioner submits that in fact the petitioner got himself duped in the matter of purchase of the land in question which had been sold to the complainant. It is submitted that since the petitioner came to know about the fraudulent execution of the sale deed in his favour by his vendor



which was not likely to confer title to the complainant, he himself got drafted an agreement and offered to pay Rs.6,75,000/- to the petitioner. Learned counsel submits that the honesty of the petitioner may be judged from this fact that the sale-deed contains a recital as to consideration amount of Rs.1,83,000/- only but as against that the petitioner with an intention to settle the dispute offered to pay Rs.6,75,000/-. A copy of the draft agreement prepared by the petitioner which was given to the complainant is placed on record.

Learned APP for the State is present and has opposed the prayer for bail.

In the given facts and circumstances, considering the nature of the allegations and the offer being made by the petitioner, in case of arrest or surrender of the petitioner within a period of four weeks from today, the abovenamed petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.15,000/-(rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Judge-XIV- Cum- Additional Chief Judicial Magistrate, Patna in connection with Complaint Case No.1309 (C) of 2017. While submitting the bail bond the petitioner shall without any prejudice to his stand deposit a Demand Draft of Rupees Two Lacs in favour of the complainant. The rest amount



of Rupees Four Lacs and Seventy Five Thousand shall be paid by the petitioner through Demand Draft(s) in favour of the complainant in three equal monthly installments thereafter. The complainant shall receive the amount, without any prejudice to his case at this stage. This will be in addition to condition prescribed under Section 438(2) of the Cr.P.C.

The application is disposed of, accordingly.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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