

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4562 of 2019

Arising Out of PS. Case No.-294 Year-2015 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Sanjay Kumar Singh son of Shri Singheshwar Prasad Singh R/o - Mohalla -
Shivpuri Colony Sanchipatti, P.S.- Hajipur Town, District - Vaishali.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Sangeeta Devi wife of Shri Kanhaiya Prasad R/o- Mohalla Kotwali Chowk,
Janki Nagar Bhauada, P.S. and District - Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

8 21-08-2019 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 420 of the IPC.

The prosecution case as per the complaint petition is to the effect that the husband of the complainant was posted as Engineer in the Irrigation Department at Bakhtiyarpur and the petitioner was acquainted with her husband. It is alleged that on 7.6.2013 the petitioner took Rs.13,27,000/- from the complainant on assurance to get 17 dhurs of the land transferred through registered sale deed within a month, but on one pretext or the other, the petitioner did



not transfer the land in question. Thereafter, the petitioner issued a cheque of the aforesaid amount in favour of the complainant which got dishonoured due to insufficient funds. The complainant served two legal notices dated 23.10.2014 and 4.3.2015 upon the petitioner but despite that, the alleged amount was not returned to the complainant by the petitioner.

It is submitted by learned counsel for the petitioner that the alleged amount of Rs.13,27,000/- was neither given to the petitioner nor ever transferred to his account, however, he admits the receiving of Rupees Seven Lacs either by him or his associates from the complainant but since the balance consideration amount was not paid to him, as a result, sale deed was not executed. However, the petitioner is ready to deposit Rupees Seven Lacs before the learned Court below. So far as issuance of cheque of Rs.13,27,000/- by the petitioner is concerned, the same was issued as a security.

Learned counsel for the complainant submits that altogether Rs.13,27,000/- was given either to the petitioner or the persons nominated by him but they failed to get the sale deed executed in relation to the land in question and thereby, they committed fraud on the complainant. However, learned counsel submits that the admitted amount of Rupees Seven Lakhs be deposited by the



petitioner before the learned Court below which will be subject to the result of the case.

Considering the nature of accusation and the stand of the complainant, on deposit Rupees Seven Lacs before the learned Court below by the petitioner within four months, let the petitioner above named be released on provisional anticipatory bail for five months in the event of arrest or surrender within six weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned JM Ist Class, Madhubani in connection with Complaint Case No.316 of 2015/ C.R. No. 294 of 2015 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

The aforementioned amount on deposit will be invested in some high interest earning fixed deposit scheme and the same will be subject to result of this case.

The provisional anticipatory bail will be confirmed by the learned court below on deposit of Rupees Seven Lakhs by the petitioner.

(Dinesh Kumar Singh, J)

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