

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5629 of 2019

Arising Out of PS. Case No.-429 Year-2015 Thana- PATLIPUTRA District- Patna

Anand Deo, Son of Sri T.S. Jamuaar, resident of Mohalla- Professor Colony,
Shivpuri, P.S. Shastri Nagar, District Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aditya Narayan Singh

For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 01-02-2019 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 420, 406, 323, 504
and 34 of the Indian Penal Code and Section 138 of the N.I.
Act.

The prosecution case as per the written statement of
Sunil Kumar Nirala submitted to the S.H.O., Patliputra P.S. is
to the effect that on 10.12.2011, the petitioner came to the
house of the informant with one Aman Kumar Singh, who is
tenant of the petitioner and conveyed that co-accused Aman



Kumar Singh is in need of money and he wants to sell his land appertaining to Thana No.53 Tauzi No.5299, Khata No.54 and 3, Plot No.37 and 38 in part. The informant got ready to purchase the said land. Thereafter, on 12.12.2011, the informant entered into an agreement with co-accused Aman Kumar Singh for total consideration amount of Rs. 8,01,000/- and as per terms of the agreement the informant paid Rs. 3,00,000/- cash and two cheques of Rs. 1,00,000/- each. Subsequently, on 04.04.2012, on demand of co-accused Aman Kumar Singh, Rs. 2,20,000/- cash and a cheque of Rs. 81,000/- were given to him, but subsequently he failed to transfer the land in favour of the informant. It is further alleged that on request being made, on 18.09.2015, the petitioner handed over two cheques of Rs. 8,00,000/-, out of which, one cheque of Rs. 5,00,000/- was issued under the signature of co-accused Aman Kumar Singh and the other cheque of Rs. 3,00,000/- issued under the signature of the petitioner but both the cheques were got dishonoured and after giving due notice to all the accused persons in that regard, the present case has been lodged on 14.11.2015.

It is submitted by learned counsel for the petitioner that the petitioner was not party to the said agreement and the



same was executed between the informant and co-accused, Aman Kumar Singh. It is further submitted that at earlier point of time, wife of the petitioner lodged Shastrinagar P.S. Case No.444 of 2015 against the informant side for the offences punishable under Sections 384, 504, 506 and 34 of the I.P.C. and as a retaliatory measure, the petitioner has been roped in the present case. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioner has also issued a cheque of Rs. 3,00,00/- which got dishonoured.

Considering the fact that the thrust of accusation is against the co-accused, Aman Kumar Singh and the accusation arising out of contractual nature of dispute between the parties, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the



learned **C.J.M., Patna** in connection with **Patliputra P.S.**
Case No.429 of 2015, subject to the conditions as laid down
under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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