

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19526 of 2019

Arising Out of PS. Case No.-192 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Jaishankar Prasad Singh, Son of Rampujan Singh Resident of Village -
Sultanpur, P.S.- Mohiuddin Nagar, District - Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashok Kumar Singh, Son of Late Ramswarath Singh Resident of Hajipur
Bilaur, P.S.- Badh, District - Patna

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Ms. Anita Kumari Singh

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 25-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Complaint Case No.192(C) of 2018, in which cognizance has
been taken under Sections 420/120-B/34 of the Indian Penal
Code.

The allegation against the petitioner, as per the
complaint, is that the petitioner along with others represented
the complainant who is an Advocate that the petitioner would
arrange a land standing in the name of his wife for the purpose
of sale in favour of the complainant and upon that assurance, a
sum of Rs. 1 lakh was taken on behalf of petitioner from the
complainant.



Learned counsel appearing for the petitioner submits that petitioner is innocent and has been falsely implicated in this case on the basis of concocted story inasmuch as there was no agreement oral or documentary, between the petitioner as well as the complainant for sale of the land belonging to his wife. He further submits that the money which allegedly given by the complainant was not admittedly given to the petitioner and on the contrary, one Karu Kumar, according to the complainant, has received the money from the complainant.

On the other hand, learned counsel for the complainant submits that from perusal of Annexure 'A' series annexed with the counter affidavit, it would be evident that on the stamp paper of Rs.100/- purchased by co-accused Karu Kumar Singh, on which the money receipt by Karu Kumar Singh was given, the name of the father of Karu Kumar Singh has been mentioned as Jai Shankar Prasad Singh, which has been corrected by Karu Kumar Singh and he has written his father's name as Ramesh Kumar.

Learned counsel for the petitioner submits that the complainant allegedly on 30.03.2017, has paid a sum of Rs.50,000/- to Karu Kumar Singh, who mentioned this fact on the stamp paper having his father's name as Ramesh Prasad



Singh and despite that complainant again paid, on 04.04.2017, a sum of Rs.50,000/- to Karu Kumar Singh, s/o Ramesh Pd. Singh fully aware of the fact that Karu Kumar Singh was not related to the petitioner in any manner. He further submits that the money, if any, was paid to Karu Kumar Singh and not to this petitioner and the petitioner has no relation with said Karu Kumar Singh.

Learned counsel further denies the signature of the petitioner at Annexure 'B', which is allegedly an assurance given by the petitioner to pay a sum of Rs.50,000/- to the complainant.

After having heard learned counsel for the petitioner, learned counsel appearing on behalf of the State as well as learned counsel for the complainant and taking into consideration the fact that the money was not paid to the petitioner and the same was paid to one Karu Kumar Singh, s/o Ramesh Pd. Singh, as such, I am inclined to grant anticipatory bail to this petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned
Sub Divisional Judicial Magistrate, Barh (Patna), subject to the
condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

sanjeev/-

U		T	
---	--	---	--

