

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17774 of 2019

Arising Out of PS. Case No.-520 Year-2018 Thana- GAYA COMPLAINT CASE District-
Gaya

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Vikash Kumar, Son of Rakshaya Singh @ Raksha Singh Resident of Mohalla-
Nai Bazar Sherghati, Police Station- Sherghati, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amrendra Kumar Singh, Son of Shankar Dayal Singh R/O Vill. Chhotka
Bahera, P.S. Amas, District- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 18-07-2019 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.520 of 2018 for the offence punishable
under Sections 406 and 420 of the Indian Penal Code.

The allegation against the petitioner as per the
statement made in the complaint petition is that the petitioner
was in friendly terms with the complainant and assured him to
purchase a piece of land owned by his relative and upon basis of
that complainant became ready for purchase of the same. It has
further been alleged that the complainant gave a sum of Rs. One
lakh by cheque and Rs.50,000/- by cash, but it has fuhrer been



alleged that after giving sum of Rs.1,50,000/- the petitioner did not enter into agreement and it was found that there is no land existed in the name of his relative.

Learned counsel for the petitioner submits that entire allegation against the petitioner is false and concocted. He further submits that the allegation against the petitioner by the complainant is of the year, 2013 but the complaint case has been filed after delay of five years, i.e, in the year, 2018.

Learned counsel for the petitioner also on the basis of Annexure-2 which is a complain filed by the brother of Opposite Party No.2 against the officials of BSFC and petitioner stating therein that the petitioner is transporting agent and petitioner and officials of the BSFC in connivance did not perform their part of the contract as per the agreement, causing the loss to the rice mill of the petitioner. Learned counsel also submits that from perusal of the Annexure '3', it would be evident that actually father of the complainant, Shankar Dayal, gave Rs. 1,50,000/- to the petitioner for the purpose of transportation of foodgrains and settlement of that account has already been done between the father of the complainant and the petitioner.

Leaned counsel for the informant is present and submits that complainant had given Rs. 1 lakh by cheque,



therefore, at least his money should be returned by the petitioner.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that the occurrence had taken place in the year, 2013 and complaint case has been filed in the year, 2018 and further there appears to be business relationship between the parties regarding transportation of foodgrains, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner is directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by the petitioner, 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 S.D.J.M., Sherghati, Gaya, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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