

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19910 of 2019

Arising Out of PS. Case No.-1767 Year-2012 Thana- PATNA COMPLAINT CASE District-
Patna

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Sushil Kumar Sinha, Son of Late Brij Kishore Prasad, R/o Parsa, Rahimpur,
Parsa Bazar, East of Rahimpur, Railway Crossing (Behind resident of Sri
Permanand Mukhiya), P.S.- Parsa, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Abhay Kumar, S/o Sri Binod Kumar, R/o Patel Flat - 144 (Salam) Lohia
Nagar, Kankarbagh Colony, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jai Prakash Verma, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 18-07-2019 This is an application for grant of anticipatory bail in

connection with Complaint Case No. 1767 (C) of 2012,

disclosing offences under Section 420 of the Indian Penal Code

and Section 138 of NI Act.

Complaint case in short is that complainant has

negotiated with the petitioner for sale of three and half Katha of

land in Patna on a total consideration of Rs.5,77,500/- and down

payment of Rs.1,00,000/- and the rest of the amount to be paid

in 48 monthly installments. It is also stated that complainant

gave Rs.1,00,000/- to the petitioner on 14.04.2008 and

petitioner issued a receipt with respect to that, thereafter, the

complainant deposited the entire consideration amount to the



petitioner and requested him to execute the sale deed, but he has not executed the sale deed with respect to that land. Thereafter, in the month of July, 2011, he has issued eight cheques of total amount of Rs.5,65,000/- and assured to pay the rest of the amount and Rs.11500/- with interest in the month of February, 2012, but the aforesaid cheques bounced on production.

Submission of the learned counsel for the petitioner is that with respect to bouncing of eight cheques, the complainant has already filed a complaint case, being Complaint Case No.714C of 2012, which will appear from the Annexure 2 and in that case he has been granted anticipatory bail by this Court, vide order dated 05.12.2013 passed in Criminal Misc. No.34141 of 2013, which is Annexure 8 to this petition.

Heard learned A.P.P. as well as learned counsel for the opposite party no.2 also, they have opposed the prayer for anticipatory bail on the ground that this case is with respect to bouncing of three other cheques and as such, the present case is not similar to that of the earlier one.

Having heard both sides, considering the above submission, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing



bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of learned Sub Judge-II-cum- A.C.J.M., Patna, in connection with Complaint Case No. 1767 (C) of 2012, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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