

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19276 of 2019**

Arising Out of PS. Case No.-386 Year-2017 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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SANTOSH KUMAR Son of Ramashray Prasad @ Ramanaresh Prasad,
Director Green City, Real State Pvt. Ltd. Motihari, Resident of Village -
Gopalpur, Raja Bazar, P.S.- Motihari Town, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Ajit Kumar Singh Son of Diwakar Prasad Singh Resident of Village -
Belisarai, P.S.- Motihari Town, District - East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar
For the Opposite Party/s : Mr. Anand Kishore Choudhary

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

5 27-09-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of
Complaint Case No. 386(P) of 2017 (Trial No. 997 of 2018),
disclosing the offence under Sections 323, 420, 504 of the
Indian Penal Code and Section 138 of N.I. Act.

Allegedly, the complainant had booked a Flat in an
apartment being developed by the petitioner's company. The
complainant is said to have paid a sum of Rs.12,50,000/- and
odd, but the petitioner failed to honour his promise of allotting
the Flat in favour of the complainant.

Learned counsel appearing on behalf of the petitioner



has submitted that more amount than negotiated by complainant, has been repaid to him, because of certain disputes arising between them.

Learned counsel appearing on behalf of the complainant has disputed the said submissions and has contended that some more amount is yet to be payable to the complainant.

Considering the nature of dispute as has been noticed from the complaint petition and submissions advanced on behalf of the parties, in my view, a case for grant of anticipatory bail is made out. This application is, accordingly, allowed. Let the petitioner, above-named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand), with two sureties of the like amount each to the satisfaction of **Shri S.M. Tripathi, learned Judicial Magistrate, 1st Class, East Champaran at Motihari, in Complaint Case No. 386(P) of 2017 (Trial No. 997 of 2018)**, subject to the condition as laid down under Section 438(2) of the Code of Criminal Proceed

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to



appear before the court on two consecutive occasions, his bail
Bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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