

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20042 of 2019

Arising Out of PS. Case No.-1142 Year-2017 Thana- COMPLAINT CASE District- Banka

MUKESH KUMAR HARIZAN Son of Brahamdev Mehatter @ Brahmdeo Mehatar Resident of Prakhand Colony, Katoriya, P.S.- Katoria, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chotelal Mandal Son of Late Teko Mandal Resident of Kadwa Maran, presently residing at Radha Nagar, Tola Rajasaray, P.S.- Katoria, District - Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar
For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 25-07-2019 The petitioner apprehends his arrest in connection with Complaint Case No. 1142 of 2017 in which cognizance under Sections 406 of the Indian Penal Code has been taken.

Allegation against the petitioner, as per the statement made in the complaint, is that complainant paid a sum of Rs. 4 lacs to the petitioner on 02.02.2015 through cheque pursuant to an oral agreement for sale of a piece of land in favour of the complainant by the petitioner. It has further been alleged that despite having received the amount, petitioner was evading to execute the sale deed.

Learned counsel for the petitioner submits that complainant has lodged a *mala fide* complaint against the



petitioner inasmuch as sale deed has been executed in favour of the son of the complainant by the cousin of the petitioner as in fact the petitioner had received the amount on 02.02.2015 on behalf of his cousin, who subsequently executed the registered sale deed in favour of the complainant on 11.02.2015 after receipt of total consideration amount of Rs. 4 lacs. Learned counsel further submits that transaction between the complainant and the petitioner completed on 11.02.2015, but with oblique motive, the present complaint has been filed after lapse of about two and half years.

The Court had issued notice to O.P.No. 2 i.e., the complainant, but despite service of notice upon O.P.No. 2, he chose not to appear before the Court.

After having heard learned counsel for the petitioner and the State and taking into consideration the fact that present complaint has been filed after a lapse of about two and half years and further that a sale deed has been executed in favour of son of the complainant by the cousin of the petitioner, as such I am inclined to grant anticipatory bail to the petitioners.

Let the petitioner, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on



bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned ACJM-1st, Banka in connection with Complaint Case No. 1142 of 2017; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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