

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21104 of 2019

Arising Out of PS. Case No.-207 Year-2018 Thana- MOUZAHDIPUR District- Bhagalpur

Raj Kumar Ranjan, son of Sri Sukdeo Prasad, Resident of Village - Nayachak,
P.S.- Mojahidpur, Distt - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Thakur, Advocate Mr. Nitesh Kumar, Advocate Mr. Shashank Shekhar, Advocate
For the Opposite Party/s :	Mr. Jagdhar Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 20-06-2019 This is an application for grant of anticipatory bail in connection with Mojahidpur P.S. Case No. 207 of 2018 for the offences under Sections 406, 420, 467, 468, 471, 120(B), 506, 34 of the Indian Penal Code and Section 138 of the N.I. Act.

Allegation against the petitioner is that he along with other accused persons had a talk with the informant for purchase of 3600 square feet of land for a consideration of Rs. 34,00,000/- and make payment of Rs.5,00,000/- through the cheque to Ashutosh Kumar and there was an agreement in between the informant and Ashutosh Kumar and there is also allegation that on different dates, he made payment of Rs. 20,00,000/- to Ashutosh Kumar and petitioner and said Ashutosh Kumar has taken Rs. 4,20,000/- as cash at the time of executing the sale deed and as such, he made payment of



Rs.29,22,000/- to the petitioner and Ashutosh Kumar however for measurement, which was found that the land which was measured by the Ameen of Ashutosh Kumar is different from the land which was shown in kewala and when she demanded the money of Rs.29,22,000/- on which, Ashutosh Kumar has given five cheques of IDBI Bank and two cheques of HDFC Bank, Bhagalpur and on production of those cheques, that have bounced and as such, petitioner and other accused Ashutosh Kumar have cheated the informant.

Submission of the learned counsel for the petitioner is that the F.I.R itself shows that payment was made to Ashutosh Kumar and the agreement was also made between Ashutosh Kumar and the informant and the cheque of Ashutosh Kumar was bounced, as such, the petitioner has falsely been implicated in this case.

Heard learned A.P.P. as well as learned counsel for the informant also, who have opposed the prayer for bail on the ground that the said payment has already been made and the agreement was also made between Ashutosh Kumar and the informant, but he admitted that cheques which bounced, were issued by co-accused.

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 Chief Judicial Magistrate, Bhagalpur, in connection with Mojahidpur P.S. Case No. 207 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

This is further subject to condition that he is to co-operate with the investigation and appear as and when required, otherwise the prosecution is at liberty to move for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

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