

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77005 of 2018

Arising Out of PS. Case No.-332 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Krishna Pal Son of Late Dipan Bhagat, Resident of Saguna More, Adarsh Colony, P.S. Danapur, District- Patna.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Laxman Kumar, Son of Late Manki Ray, Resident of Saguna More, Naya Tola, P.S.- Danapur, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Chandra Shekhar

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 19-02-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 22.10.2018 in a complaint case wherein process has been directed to be issued after cognizance being taken for the offence punishable under Section 406 of the I.P.C.

The prosecution case is that the petitioner along with co-accused Phulbanti Devi and witness Raushan Kumar persuaded the complainant to purchase the land appertaining to Thana No. 104, Khata No. 87, Khesra No. 130, measuring 9.5 decimals at the rate of Rs.8,25,000/- per katha and consequently, the petitioner entered into an agreement of sale with the complainant on the basis that the petitioner had an agreement to purchase from the actual



land owner, consequently, the petitioner received an advance of Rupees Fifteen Lacs and balance amount of Rupees Nine Lacs was also received but the sale deed was not executed by the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner denies his signature on the agreement as he claims to be blind on the date of entering into the agreement.

Learned counsel for the complainant submits that the petitioner has cheated the complainant and has received more than Twenty Four Lacs Rupees as consideration amount for the land in question and has not executed the sale deed and finding the prima facie case, cognizance has been taken by the learned court below. It is further submitted that the petitioner has got the sale deed executed in favour of his wife.

Considering the nature of accusation arising out of a contractual relationship between the parties, the period under custody, coupled with statement being made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Danapur in connection with Complaint Case No. 332 C of 2016.

(Dinesh Kumar Singh, J)

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