

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36973 of 2019

Arising Out of PS. Case No.-247 Year-2018 Thana- JAKKANPUR District- Patna

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Virendra Kumar Son of Shri Paras Nath Singh Resident of Village - Khajpura,
Near Veterinary College, Airoprt, P.S.- Airport, Dist.- Patna., Director of Silver
Point Eng. Cons. Pvt. Ltd.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr.Arun Kumar, Advocate
For the State	:	Mr.Anand Mohan Prasad Mehta, APP
For the informant	:	Mr. Digvijay Narayan Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

10 20-11-2019 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel

for the informant.

The petitioner seeks pre-arrest bail in connection with

Jakkanpur P. S. Case No. 247 of 2018 registered under Sections

406, 419 and 420 of the Indian Penal Code.

It is contended by the learned counsel for the

petitioner that the FIR against the petitioner has been instituted

only in order to avoid refund of money taken by the petitioner

from the bank. The FIR was belatedly instituted by the

informant after the bank issued notice to him. The truthfulness



and veracity of the allegations made in the FIR is yet to be established. The case is predominantly of a civil nature and institution of the criminal case is malicious. It is also contended that the ingredients of the offence punishable under Section 420 of the Indian Penal Code are not attracted.

On the other hand, learned counsel appearing for the State assisted by the informant submitted that pursuant to an agreement, the informant has paid Rs.58,10,000/- to the petitioner through negotiable instruments and the amount so paid has been remitted to the account of the petitioner or his wife. The said payments were made for purchase of flat no.C-3 in the name of his wife on the third floor of Sachida Complex, but after receiving the full and final payment, in order to cheat the informant, he sold the said flat by executing a sale deed in favour of Smt. Pushpa Kumari and one Pankaj Sinha. He contended that the intention of the petitioner to cheat the informant was right from very beginning of the contract; which would be evident from the fact that when the agreement for sale had already been executed with the wife of the informant, one another agreement for sale of the same flat bearing no. C-3 was executed on 08.04.2015 in favour of the aforesaid Smt. Pushpa Kumari and Sri Pankaj Sinha without any informant to the



informant or his wife.

Regard being had to the facts and circumstances of the case, as the petitioner had entered into agreement for purchase of flat in question in the capacity of Director of Silver Point Engicons Private Limited on 23.12.2014 for flat no. C-3 and had received a huge amount and is alleged to have executed sale deed in favour of a third party, I am not inclined to grant him pre-arrest bail. The application for pre-arrest bail is rejected.

In case, the petitioner surrenders and seeks bail, the same shall be considered on merit without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J)

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