

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31378 of 2019

Arising Out of PS. Case No.-818 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

=====

SHAMBHU SHARAN PRASAD Son of Late Pratap Naraiyan Lal Resident
of Village - Belbanwa Motihari, Ward No.-18, Behind Mangal Seminary, P.S.-
Town Motihari, Dist.- East Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Suresh Sharma Son of Vicky Sharma Resident of Village - Bahuwarwa, P.s.-
Bahuwarwa, P.O.- Majhauriya, Dist.- West Champaran.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 28-08-2019 This application, for grant of anticipatory bail,

arises out of Complain Case No. C818 of 2018, disclosing

offences under Sections 406, 420 of the Indian Penal Code and

Section 138 of N.I. Act.

Prosecution case is that complainant wanted to
purchase a piece of land for construction of house and accused
persons including petitioner, who used to deal in purchase and
sale of land, was known to the complainant from before. The
complainant asked them for purchase of land and they had
shown the land, which belonged to Anjani Kumar Singh @
Mantu Singh and Lakshmi Prasad. The complainant talked with
owner of the land and consideration amount was fixed Rs.



6,42,000/- and in the month of March 2017, complainant gave Rs. 7,00,000/- to the accused persons as consideration money. The date of registration of land was fixed on 24.03.2017 and on that date complainant and accused persons including petitioner went to Registry Office, Motihari paper was prepared and registration fee of Rs. 25,110/- was deposited but the owner of the land did not come and, thereafter, the petitioner and co-accused also fled away from there and when the complainant contacted the accused persons, they became ready to return the money and a cheque of Rs 6,42,000/- given to the complainant, which was dishonored by the bank on presentation. Hence, this case.

Learned counsel for the petitioner has proposed to return the above stated amount of Rs. 6,42,000/- to the complainant, if some time is provided to him.

Heard learned A.P.P. also.

Having heard both sides, considering the facts and circumstances of the case, let petitioner surrender by 16.09.2019 with a bank draft of Rs. 2,14,000/- drawn in favour of complainant and the court below after verifying the same shall release the petitioner on provisional bail for a period of two months to his own satisfaction on condition that during



aforesaid period of two months, the petitioner would return the remaining amount of 4,28,000/- by way of two equal monthly installments of Rs. 2,14,000/- payable in the third week of each month through bank draft drawn in favour of complainant and once the entire amount of Rs. 6,42,000/- is deposited the court below shall confirm the provisional bail of the petitioner.

It is made clearly that if the petitioner fails to deposit any of the installments, the provisional bail granted to the petitioner shall stand automatically cancelled.

If the complainant field an application for withdrawal of the aforesaid amount, the same shall be release in his favour on undertaking that he will abide by final outcome of the case.

This application is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

sunilkumar/-

U		T	
---	--	---	--

