

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36709 of 2019

Arising Out of PS. Case No.-401 Year-2014 Thana- PATNA COMPLAINT CASE District-
Patna

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Manju Shahi, Wife of Amarendra Narain Shahi, Resident of Village-
Wazirpur, P.S.- Bikram, Dist.- Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. Ajeet Kumar Mukul, Son of Sri Stya Narain Prasad Sinha, Resident of
Village - Bibiganj, Bhatta Road, Danapur, P.O.- Danapur Cantt. P.S.-
Danapur, Dist.- Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Arvind Prasad Singh, Advocate
For the Opposite Party No.2: Mr. Ramakant Sharma, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

5 16-11-2019 Heard Mr. Arvind Prasad Singh, learned counsel

for the petitioner and Mr. Ramakant Sharma, learned senior
counsel for the opposite party no.2.

The petitioner seeks pre-arrest bail in connection
with Complaint Case No.401(C) of 2014 in which cognizance
has been taken for the offences punishable under Sections 406,
420, 120B and 504 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that the allegations made in the complaint would not
attract the offences punishable under Sections 406 and 420 of
the Indian Penal Code. At best, it is a case of simple breach of
contract and not a case of criminal breach of trust. He submitted



that as a matter of fact the petitioner has received Rs.1 lakh on the date of agreement i.e. on 16.10.2013 and Rs. 30,000/- on 24.11.2013. Except that, the petitioner did not receive a single paisa from the complainant, but the complainant has made false signature of the petitioner and written on the back of the page no.1 of deed of agreement that Rs.3,00,000/- on 26.11.2013, Rs.1,50,000/- on 13.01.2014, Rs.2,00,000/- on 08.03.2014 and Rs. 1,20,000/- on 28.03.2014 has been received by him. He contended that as a matter of fact the complainant wants to blackmail the petitioner in order to grab his land.

On the other hand, learned senior counsel appearing for the complainant submitted that the petitioner has not filed any complaint against the complainant. He contended that as a matter of fact the petitioner has cheated the complainant to the tune of Rs.9,00,000/-. He has failed to transfer the land for which the agreement was made. He has further contended that subsequently the complainant came to know that the petitioner has already sold the land to someone else

Be that as it may, regard being had to the nature of allegation as also the facts and circumstances of the case, in the event of arrest or surrender in the court below within a period of six weeks, the petitioner is directed to be released on bail on



furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Danapur, Patna in connection with Complaint Case No.401(C) of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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