

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34313 of 2019

Arising Out of PS. Case No.-3 Year-2019 Thana- OBRA District- Aurangabad

Shankarnath Basu @ Dr. Shankarnath Basu, S/o Late Aditya Basu Resident of
Obra, P.S.- Obra, District- Aurangabad, At present R/o 5A green Raw
Gangaully Bagan, P.S.Patuli, Kolkatta (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 28-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Obra P.S. Case No.3 of 2019 for the offence punishable under
Sections 420, 406, 34 of the Indian Penal Code.

The allegation against the petitioner as per First
Information Report lodged by Opposite Party No.2-informant is
that petitioner had entered into an agreement for sale of shop
with the informant and received entire consideration amount of
Rs.5,50,000/- and agreement was executed in the year 2017. It
has further been alleged that despite having received the entire
consideration amount of Rs.5,50,000/-, the petitioner with an
intention to deceive the informant did not execute a sale deed in



favour of the informant and sold the land in favour of some other persons.

Mr. Ashok Kumar Singh, learned counsel for the petitioner submits that petitioner is 80 years old retired doctor residing in Kolkata right now and allegation of cheating and criminal breach of trust against him is not correct inasmuch at best from perusal of the First Information Report, the case of breach of contract is made out against the petitioner. However, without prejudice to his right and contention, the petitioner submits that he is ready to refund a sum of Rs.5,50,000/- to the informant-Opposite Party No.2 within a period of four months. Learned counsel further submits that a sum of Rs.1,50,000/- shall be paid at the time of furnishing bail bond and further Rs.4 lakhs shall be paid in four equal monthly installment to be started from October, 2019.

The offer made by the petitioner is accepted by Mr. Shailesh Kumar, learned counsel appearing for Opposite Party No.2.

Learned counsel for the Opposite Party No.2 is directed to furnish Bank Account number of the informant-Opposite Party No.2 within ten days to Mr. Ashok Kumar Singh, learned counsel appearing for petitioner for depositing



sum of Rs.1,50,000/- and subsequent installments.

In view of the aforementioned facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Daudnagar, subject to the aforementioned condition.

It is made clear that at the time of surrender, the petitioner will annex a proof of payment of sum of Rs.1,50,000/- in favour of informant-Opposite Party No.2. It is also made clear that in the event of not fulfilling the condition granting bail to the petitioner, the Opposite Party No.2 shall be at liberty to take appropriate steps for cancellation of bail in accordance with law.

(Anil Kumar Sinha, J)

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