

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32899 of 2019

Arising Out of PS. Case No.-152 Year-2018 Thana- PATAHI District- East Champaran

Prasant Kumar, S/o Vimal Kumar @ Vimal Chandra Singh, R/o village-
Parsawni-Kapoor, P.S.- Patahi, P.O.- Patahi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saket Anand, Advocate.

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 20-05-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Patahi P.S. Case No. 152 of 2018, registered under Sections
406 and 420 of the Indian Penal Code and Section 138 of the
N.I. Act.

The accusation is that informant negotiated to
purchase the land of petitioner situated near State Bank of India,
Patahi Branch on consideration amount of Rs.4,25,000/-, out of
which, he handed over Rs.1,45,000/- in cash and also deposited
Rs.1,00,000/- in the account of the petitioner and remaining
amount of Rs.1,80,000/- was to be paid on 05.01.2018 at the
time of execution of sale deed. When the informant put pressure



to the petitioner then petitioner handed over cash of Rs.45,000/- on three occasions. Thereafter, petitioner handed over cheque of Rs.2,00,000/- to the informant and the aforesaid cheque was placed before the State Bank of India but the same cheque was dishonoured due to insufficient money in the account. Thereafter, informant sent the legal notice to the petitioner on 02.08.2018 but no response was given by the petitioner.

Learned counsel for the petitioner submits that admittedly, informant negotiated to the petitioner to purchase the land of the petitioner on payment of consideration amount of Rs.4,25,000/-, out of which, informant deposited Rs.1,00,000/- in the account of the petitioner and at that time, informant took blank cheque from the petitioner, as security saying that after payment of remaining amount, informant will hand over the blank cheque to the petitioner but later on, informant was not ready to purchase the aforesaid land and misused the blank cheque of the petitioner. In fact, petitioner is still ready to execute the sale deed in favoaur of the informant but with ulterior motive the present case has been lodged. Further submission is that while legal notice was given on 02.08.2018 but without passing over 15 days from 02.08.2018, on which the notice has been sent by the informant, the present



case has been lodged on 17.02.2018.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned A.C.J.M.-8, Motihari, in connection with Patahi P.S. Case No. 152 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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