

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39248 of 2019

Arising Out of PS. Case No.-2614 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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SHAILESH KUMAR Son of Late Krishn Murari @ Krishn Murari Singh
Resident of Village - Ramcharanpur Gorakhari, P.S.- Bikram, District- Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. M/S Super City Builder Pvt. Ltd. through its Managing Director Shri Anil Kumar aged about 51 Yrs. Registered Office at 101 City Plaza, Plot No.- M/24, Road No.-26, Sri Krishna Nagar, P.S.- Budha Colony, District- Patna (800001)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. R. Narain
For the Opposite Party/s	:	Mr. Anil Kumar
For informant	:	Mr. Piyush Lal

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 15-11-2019 This application, for grant of anticipatory bail, arises out of Complaint Case No. 2614(C)/2017, disclosing offences under Sections 406 and 420 of the Indian Penal Code.

Allegation as per complaint petition is that complainant happens to be a builder and developer and he approached the petitioner for purchase of 30 bighas of land, for which, Byaynama was executed and he has given Rs. 26,50,000/- to the petitioner apart from the expenses of Rs. 4,65,000/- but in spite of that petitioner has not executed the sale deed nor returning the money.

Submission of learned counsel for the petitioner is that out and out false allegation has been levelled and it is the complainant, who stepped back in agreement and is not ready to



purchase the land and so far money is concerned, the petitioner has spent the same for purchase of some more lands, as desired by complainant and as soon as they will return the money or the land, the petitioner would also return the money. It has also been submitted that the dispute is purely civil in nature.

Heard learned A.P.P. as well as learned counsel for the informant. Learned counsel for the informant opposed the prayer for anticipatory bail and submitted that in spite of taking money, the petitioner did not execute the sale deed and is now not returning the money and has violated the terms of agreement.

Having heard both sides, considering the fact and circumstances and also the fact that cognizance has been taken and there is no chance of tampering with the evidence, as such, this application is allowed. Provisional bail granted to the petitioner vide order dated 21.08.2019 is confirmed with condition that petitioner will cooperate in disposal of Trial and make himself available as and when required by the Trial Court.

(Vinod Kumar Sinha, J)

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