

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39446 of 2019

Arising Out of PS. Case No.-364 Year-2016 Thana- GAYA COMPLAINT CASE District-
Gaya

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Dayanand Singh, Son of Late Kamaldeo Singh, Resident of village- Dubhal,
P.S.- Magadh Medical College, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mukesh Kumar, Son of Sri Kranti Kumar Singh, Resident of village-
Fatehpur, P.S.- Belaganj, District- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shivendra Prasad, Advocate

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

6 29-11-2019 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in
connection with Complaint Case No.364/2016/Tr.
No.16/2016/857/2018 registered for the offence punishable
under Section 420 of the Indian Penal Code and Section 138 of
the Negotiable Instruments Act.

Learned counsel for the petitioner submits that the
entire allegation is based on the statement of one Mukesh
Kumar who agreed to purchase the petitioner's land and for
which he had paid Rs.4,00,000/- as advance consideration
money. Learned counsel for the petitioner submits that



subsequently, said Mukesh Kumar asked for return of his money, but Rs.4,00,000/- was paid back by the petitioner to Ravi Kumar who returned only Rs.2,00,000/- to the said Mukesh Kumar, but for the rest Rs.2,00,000/-, a cheque was issued which came to be dishonoured. Learned counsel for the petitioner submits that the present petitioner has been made a victim of the mischief of the said Ravi Kumar, who was a middle man in the said sale deed. It is further submitted that thereafter the complainant and said Ravi Kumar compromised the matter and on that basis, Ravi Kumar was extended the privilege of bail. He thus submits that the petitioner having no role to play may also be extended the privilege of pre-arrest bail. It is further submitted that it was the said Ravi Kumar who had allegedly issued a cheque of an account in which there was no sufficient balance, the allegation against the present petitioner is unfounded and thus he may be granted bail.

Considering the entire facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the



satisfaction of the Judicial Magistrate 1st Class, Gaya, in connection with Complaint Case No.364/2016/Tr. No.16/2016/857/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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