

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39210 of 2019

Arising Out of PS. Case No.-1418 Year-2015 Thana- PATNA COMPLAINT CASE District-
Patna

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RAKESH KUMAR S/O Shri Shyam Narain Sinha Managing Director of M/s
Khayati Construction Pvt. Ltd. R/o- House No. 120, North Anandpuri, West
Boring Canal Road, P.S.- Sri Krishnapuri, District- patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Shammi Arora S/O Late Tilak Raj Arora R/O- Flat No. 34, Jagat Apartment,
Bank Road, P.S.- Gandhi Maidan, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar
For the Opposite Party/s : Mr.Arun Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 20-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 406 and 420 of the Indian Penal Code
registered in connection with Complaint Case No. 1418(c) of
2015.

3. It is submitted that the petitioner has been falsely
implicated on the accusation that the petitioner has been
avoiding registering the flat agreed to be sold to the complainant
despite payment having been made/tendered. It is submitted
that out of total amount of Rs. 36,77,100/- by way of
consideration of flat no. 402 in Om Sai Villa at Old Bye-pass Road,
Patna, an amount of Rs. 24,15,100/- was paid to the landlord and
Rs. 12,62,000/- was payable to the petitioner. The complainant
has made payment of Rs. 6,01,000/- to the petitioner and an



amount of Rs. 6,60,100/- remains outstanding. The petitioner undertakes to do his part for registration of the flat without delay immediately upon receiving bank draft for the outstanding amount of Rs. 6,60,100/- from the complainant and assures that there is no other impediment in this regard.

4. Learned counsel for the complainant states on instruction that the entire payment owing to the landlord has already been made, as such the only amount remaining to be paid is Rs. 6,60,100/- to the petitioner which the complainant is ready to deposit before the learned Court below within a week hereof. It is pointed out that the petitioner is accused in a number of cases of similar nature.

5. Be that it may, in the event of petitioner's arrest or surrender within four weeks hereof let the above named petitioner be released on provisional bail on furnishing bail bond of Rs.10,000/- [ten thousand] with two sureties of like amount each to the satisfaction of learned Sub Judge-XI-cum-Additional Chief Judicial Magistrate, Patna in connection with Complaint Case No. 1418(c) of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C. and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

5. The provisional bail granted to the petitioner shall be confirmed if upon the complainant depositing a demand draft for Rs.



6,60,100/- in favour of the petitioner before the learned Court below within one week from today and the petitioner ensure registration of the subject flat in favour of the complainant within a further period of six weeks, conversely his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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