

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50965 of 2019

Arising Out of PS. Case No.-1366 Year-2018 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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RAKESH YADAV, aged about 35 years, Male, S/o Shankar Yadav, R/o
Village- Nagdahiya, P.S.- Manuapul, District- west Champaran.

... .. Petitioner

Versus

1. The State of Bihar.
2. Mohan Prasad @ Mohan Prasad Kushwaha, aged about 60 years, Male, S/O
Ramnath Mahto, R/O Village- Koiri Tola, P.S.- Bettiah Town, District- West
Champaran.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Rajeev Nayan APP

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 16-08-2019 Heard learned counsel for the petitioner and

learned counsel for the State.

In this case, the petitioner is seeking anticipatory
bail in connection with Complaint Case No. 1366-C of 2018 (Tr.
No.1137 of 2018), registered for the offence under Sections 406
and 420 of the Indian Penal Code.

Allegation has been made that there was an
agreement for purchase of land from the petitioner and by way
of advance an amount of Rs.50,125/- has been paid to the
petitioner by the complainant. Whereafter, time to time an
amount of Rs.10,00,125/- has been paid in installments, but



neither the sale deed has been executed nor the aforesaid amount has been returned by the petitioner.

Learned counsel for the petitioner submits that the complainant has given a Legal Notice to the petitioner, making allegation of such payment, but the petitioner has denied the same by giving reply to the Legal Notice, in which he has stated that no such agreement has been arrived and nor any payment has been made.

Basically, it is a civil dispute, let the above-named petitioner be released on anticipatory 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 bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the A.C.J.M., 1st Bettiah, West Champaran, in connection with Complaint Case No. 1366-C of 2018 (Tr. No.1137 of 2018), subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Shivaji Pandey, J)

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