

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73120 of 2018

Arising Out of PS. Case No.-444 Year-2017 Thana- GANDHIMAIDAN District- Patna

Arvind Kumar Singh Son of Late Daroga Singh, Resident of House No. A/214, A.G. Colony, Police Station- Shastri Nagar, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Yogesh Chandra Verma, Sr. Adv. Mr. Arun Kumar Singh
For the Opposite Party/s	:	Mr.Sri Ajay Kumar -2, APP
For the Informant	:	Mr. Chandan Kumar.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 09-01-2019 Heard the learned counsel for the petitioner, the informant and the learned A.P.P. for the State.

The petitioner seeks bail in Gandhi Maidan P.S. Case No. 444/2017, instituted for offences under Section(s) 406, 409, 420 and 34 of the Indian Penal Code.

It is alleged in the written report that this petitioner entered into agreement with informant on behalf of land owner, which is part of F.I.R. The informant as per agreement made payment of Rs. 10 lacs to the land owner by cheque and a bearer cheque of Rs. 49,000/- was paid to the petitioner, who was working as a mediator. It is alleged that neither sale deed was executed nor the amount, which was received as advance by the petitioner and other accused persons, namely, Purushottam Kumar (land owner), has been returned.



Learned counsel for the petitioner has submitted that as per terms of agreement informant did not deposit the amount in time. There is remedy to file civil suit for the same.

Learned counsel for the informant has submitted that petitioner has played major role in the entire negotiation between informant and land owner for sale of aforesaid land but sale deed was not executed. It is further submitted that two cheques each of Rs. 5 lacs were issued to the informant by the petitioner. When those cheques were produced in the Bank, the same became bounced. Copy of aforesaid two cheques has been enclosed as Annexure- A to the counter affidavit.

In such circumstances, this Court finds that petitioner has played major role in negotiation between informant and land owner Purushottam Kumar. The petitioner has entered into agreement with informant on behalf of land owner and received the amount but the deal was not finalized. He also issued cheques in favour of informant which got bounced.

Therefore, this Court is not inclined to grant bail to petitioner at this stage. Prayer for bail of the petitioner is accordingly rejected.

(Sanjay Priya, J)

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