

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70435 of 2019

Arising Out of PS. Case No.-740 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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SHAILENDRA KUMAR S/O Birendra Kumar Chaudhary Resident of New
yarpur, NeyaTola, Saristabad Road, Kachhitalab, P.O.- GPO, P.S.-
Gardanibagh. Dist- Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Manoj Kumar Verma S/o Ramchandra Prasad Resident of Village-
Chitkohara, Bajar, P.O. Anishabad, P.S.- Gardanibagh. Dist- patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amrendra Kumar

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 18-11-2019 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No.740(C)/2018 registered under Section
420 of the Indian Penal Code.

The accusation is that complainant/O.P. No.2 became
ready to purchase the land at the rate of 46 lakh per katha fixing
the total consideration amount of Rs.2,07,00,000/- from the
accused/petitioner Shailendra Kumar and at the time of
agreement, Rs.2,00,000/- was handed over to him as advance.
According to agreement to sale, Rs.30,00,000- was to be paid in
between 06.01.2018 to 31.01.2018 and remaining amount of



Rs.1,75,00,000/- was to be paid within six months. On 26.01.2018 complainant went to the house of petitioner and asked to take Rs.30,00,000/- but the petitioner did not take any heed.

Learned counsel for the petitioner submits that petitioner was unable to complete the terms of agreement to sale entered between him and complainant hence he paid Rs.2,00,000/- to complainant through demand draft on 12.03.2018 which was credited in account of complainant/O.P. No.2 which would appear from Annexure-2.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on 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 bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Patna in connection with Complaint Case No.740(C)/2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

Prakash Narayan /-

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