

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70328 of 2019

Arising Out of PS. Case No.-568 Year-2016 Thana- KOTWALI District- Patna

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PANKAJ BALI Son of Sri S.M. Bali Resident of House No. 8A/4B, Shiv Mandir, Street N.6, Moujpur, Bhajanpura, North East, Police Station-Jafrabad, Dist- Sahadra Delhi-110053

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satya Narayan Mishra

For the Opposite Party/s : Mr.Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 19-11-2019 Petitioner seeks bail in anticipation of his arrest in connection with Kotwali P.S. Case No. 568 of 2016 registered for the offences punishable under Sections 420, 406, 506, 34, 467, 471 and 472 of the Indian Penal Code.

As per typed application filed by one Jitendra Sharma that he agreed to purchase some shops from Navin Malhotra in Cannaught Place, New Delhi and informant after seeing the shop went to the house of Navin Malhotra where wife of Navin Malhotra Parinneta Malhotra and his son Rahul Malhotra were present in the house and he has agreed to purchase the same on consideration amount of Rs.10 crore 80 lac. It is said that he has paid Rs.6 crore 33 lac and when the Malhotra family did not produce the owner of the premises or the authorised person of



the owner then informant stopped the further payment and told the Malhotra Family to return the amount, on which the accused persons threatened him and he has not been returned the amount nor sale deed was executed. Petitioner is not named in the FIR and later on his name transpired on the plea that some payment has been deposited the account of the petitioner.

Submission of learned counsel for the petitioner is that he has falsely been implicated and he is not named in the FIR and whatever transaction is made that is in between co-accused Navin Malhotra, his wife and the informant and he has not received any money, rather the same was also taken away by the aforesaid two accused persons. Further submission is that later on Navin Malhotra returned the total due amount to the informant Jitendra Sharma and receipt of the same was also given to the Jitendra Sharma, which is Annexure-3, which was challenged by Jitendra Sharma and as such the same was sent for verification before handwriting expert, who also found the signature of Jitendra Sharma true and again the same was verified and on such verification the same was found true. Further submission is that co-accused persons and informant are partners in the joint venture and they have joint account also and petitioner has falsely been implicated only because he is an



employee of Navin Malhotra.

Heard learned APP and learned counsel for the informant, who has opposed the prayer for anticipatory bail by filing a counter affidavit denying the joint venture and also denied the story of returning of amount showing that receipt is concocted one and so far Navin Malhotra and other co-accused are concerned, they are accused in several other cases which are pending against them.

In view of above facts and circumstances and considering the submission that whatever transaction is made that is between Navin Malhotra, his wife and the informant and nowhere name of petitioner has transpired except the allegation that some amount has also been deposited in his account, apart from the fact that receipt was also produced but without making any comment on genuineness of the receipt, let petitioner surrender in the court below and on surrender he shall be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Patna, in connection with Kotwali P.S. Case No. 568 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and further condition is that one of the bailors of the petitioner



shall be a local person having sufficient immoveable property within the jurisdiction of the court concerned and further condition that petitioner has to appear in the court as and when required, otherwise his bail bonds shall be cancelled.

(Vinod Kumar Sinha, J)

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