

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78627 of 2019

Arising Out of PS. Case No.-491 Year-2017 Thana- DIGHA District- Patna

SUNIL KUMAR Son of Late Keshav Singh, Resident of Flat No. 404,
Prarthna Niwas, Road No. 1, Mahesh Nagar, P.S.- Patliputra, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 03-12-2019 Heard both sides.

The petitioner apprehends his arrest in Digha P.S.
Case No.491 of 2017 registered under Sections 420, 406 and 34
of the Indian Penal Code and under section 138 of the N.I. Act.

The informant alleged that he entered into an
agreement with Deepak Kumar Singh (owner of Prakritik
Construction and Infrastructure Private Limited) and Sunil
Kumar (owner of the land) for purchasing a flat of Rs.21 lacs
out of which the informant paid Rs.13,51,000/- but when the
informant asked the petitioner and Deepak Kumar Singh to hand
over the flat, they made excuses and on verification it was found
that the petitioner Sunil Kumar has already rescinded the deed
of agreement for development of the land. The informant further
alleged that Deepak Kumar Singh gave a cheque of
Rs.9,50,000/- and the petitioner has also put his signature



thereon.

Learned counsel for the petitioner submits that the petitioner is the owner of the land. The petitioner did not receive any money from the informant. The builder had entered into an agreement with the petitioner for development of the land. The informant entered into an agreement with the builder to purchase a flat falling in the share of builder. It is submitted that from perusal of agreement which is the part of the F.I.R., it would appear that the petitioner did not sign on the agreement arrived at between Deepak Kumar Singh and the informant.

Having considered the facts that the informant, of course, alleged that the petitioner also executed deed of agreement to sell a flat but from the deed of agreement attached with the F.I.R. it appears that the informant had entered into an agreement to purchase a flat from Deepak Kumar Singh (owner of Prakritik Construction and Infrastructure Private Limited), the petitioner above named in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Patna in connection



with Digha P.S. Case No.491 of 2017, subject to conditions as
laid down under Section 438 (2) of the Code of Criminal
Procedure.

(Prabhat Kumar Jha, J)

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