

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7459 of 2020

Arising Out of PS. Case No.-684 Year-2017 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Bishavnath Prasad Bhojpuri, S/o Late Gopal Prasad Bhojpuri, Resident of 34/35, 2/1 Sitaram Super Market, Block- D, Salkia, P.S.- Malipanchghora, District - Howrah, At present resident of Gola Road, Nawada, P.S. - Nawada, District - Nawada.

... .. Petitioner

Versus

1. The State of Bihar
2. Reshma Devi @ Boolbul Devi, W/o Ravindra Vishwakarma, Resident of Main Road Nawada, P.S. - Nawada, District - Nawada

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate
For the Opposite Party/s : Mr.Rajendra Nath Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-03-2020 Heard learned counsel for the petitioner and learned counsel for the complainant as opposite party no. 2 as also learned counsel for the State.

Petitioner in the present case is seeking anticipatory bail in connection with Complaint Case No. 684 of 2017 registered for the offences punishable under Sections 420, 471, 472, 385, 354 and 504 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is not claiming that he had prepared any marriage certificate showing the complainant his wife rather his case is that the complainant while working in the Diaction company in



Calcutta where this petitioner was also working. She had a piece of land in Nawada town which she wanted to sell and there is agreement as contained in Annexure '2' to the present application wherein the petitioner agreed to purchase the land at a sum of Rs. 25,00,000/- and paid Rs. 10,00,000/- to the complainant which is acknowledged under the agreement but thereafter the complainant in order to misappropriate the whole amount and to disown the agreement to sell has filed this complaint case against this petitioner. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case.

Learned counsel for the complainant as opposite party no. 2 as also learned A.P.P. for the State have opposed the prayer for bail.

Considering the facts and circumstances of the case, wherein it is the submission of learned counsel for the petitioner that the petitioner is not claiming that he had prepared any marriage certificate showing the complainant his wife rather his case is that the complainant while working in the Diaction company in Calcutta where this petitioner was also working represented the petitioner, she had a piece of land in Nawada town which she wanted to sell and there is an agreement as



contained in Annexure '2' to the present application wherein the petitioner agreed to purchase land at a sum of Rs. 25,00,000/- and paid Rs. 10,00,000/- to the complainant which is acknowledged under the agreement but thereafter the complainant in order to misappropriate the whole amount and to disown the agreement to sell has filed this complaint case against this petitioner, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Complaint Case No. 684 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;



(iii) a condition that the person shall not leave India
without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

vats/-

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