

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55442 of 2019

Arising Out of PS. Case No.-170 Year-2019 Thana- NAUBATPUR District- Patna

RAKESH KUMAR Son of Late Shyam Nandan Sharma R/o- Gandhi
Ashram, Khagaul, P.S.- Khagaul, District - Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar
For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 25-02-2020 Counter affidavit has been filed on behalf of the

opposite party no.2. Let the same be kept on record.

Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Naubatpur P.S. Case No. 170 of 2019, registered for the
offence punishable under sections 406, 420, 467 and 468 of the
Indian Penal Code.

As per allegation in the F.I.R., it is stated by the
informant that he entered into an agreement for a sale of an
immovable property with one Manoj Kumar Madhukar. The
negotiation took place in presence of and on the petitioner
herein acting as a middleman. It is stated that out of a total



amount of Rs. 5.50 Lakhs, the petitioner gave only a sum of Rs. 2.45 Lakhs to the informant and inspite of his promise, the rest amount was not given, and as such, the case.

It is submitted by learned counsel for the petitioner that admittedly a sale deed was executed between the vendor, who is the complainant in the complaint petition which was later registered as an FIR and the vendee, namely, Manoj Kumar Madhukar, who is a witness herein. A copy of the sale deed has been brought on record as Annexure-2 to the petition. From perusal of the recital in the sale deed it would transpire that the entire consideration amount has been received by the informant (vendor). It is, thus, submitted that any dispute with respect to consideration of the sale relating to the said sale deed would be a civil dispute and the instant case has been lodged by the informant against this petitioner, who is neither the vendor nor the vendee to the sale deed.

It is submitted by learned counsel for the complainant that it is a known fact that sale transactions take place with help of middlemen and in the instant transaction the petitioner was the one. Although the sale deed was executed by the informant, however, the total consideration amount was not paid to him and it was promised by this petitioner that he would pay the balance



amount later.

Having heard learned counsels for the parties, taking into consideration the fact that the matter in dispute relates to sale of land and wherein as per recital in the registered sale deed, to which the informant is a signatory, the total consideration amount has been paid to the informant, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of six weeks from today and in the event of his arrest or surrender in connection with Naubatpur P.S. Case No. 170 of 2019, he will 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 A.C.J.M-II, Danapur subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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