

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63632 of 2019

Arising Out of PS. Case No.-943 Year-2018 Thana- MUNGER COMPLAINT CASE
District- Munger

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PRABHANJAN KUMAR Son of Madan Prasad @ Madan Prasad Yadav
Resident of Mohalla - Maa Ambe Chowk, P.S.- Kisam Bazar, District -
Munger.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Raunak Kmar Singh Son of Virendra Kumar Singh Resident of Mohalla -
Vindwara, P.S.- Kasim Bazar, District - Munger.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha
For the Opposite Party/s : Mr.Ajay Kumar No. 2

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 24-01-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 406, 420,
379 of the Indian Penal Code and Section 138 of the N.I. Act.

Informant has alleged that he had paid a
consideration amount of rupees five lacs fifty thousand for
execution of sale deed as detailed in the complaint petition.
Rupees one lac was paid in account of accused no.1 by cheque
and rupees two lacs was paid in account of accused no.2
(petitioner) by cheque and thereafter rupees two lacs fifty
thousand in cash was paid to accused no.1 and total



consideration amount of rupees five lacs fifty thousand was paid but subsequently they refused to execute the sale deed and when he demanded his consideration money back, accused no.1, Rajan Kumar issued a cheque which was dishonored by bank on account of closure of account.

It has been submitted that agreement was entered between the complainant and accused no.1 with respect to execution of sale deed and on failure of which a cheque was issued by accused no.1 to the complainant. It is further submitted that there is no allegation of cheating or fraudulent act on behalf of the petitioner. It has further been submitted that cheque was issued by accused no.1 to complainant and agreement was also entered between accused no.1 and complainant and matter has been compromised between accused no.1 and complainant and on the basis of said compromise, court below has granted anticipatory bail to accused no.1.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the



satisfaction of learned court below where the case is pending in connection with Complaint Case No.943C/2018 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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