

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65239 of 2019

Arising Out of PS. Case No.-1142 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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SHAILENDRA SINGH Son of Late Adya Singh Resident of Village -
Dedaur, P.S.- Bakhtiyarpur, Distt - Patna at present RZ- A- 1/88 Vijay
Enclave, Palam - Dabbari Road, Police Station Dabri, New Delhi - 110045

... .. Petitioner/s

Versus

1. The State of Bihar
2. Abhishek Kumar Singh Son of Sabindra Singh Resident of - Banshi
Bhawan, Chiraiyatand Ram Nagar, P.S.- Jakkan Pur Distt - Patna at Present
resident of 439, Basant Kunj, enclave, P.S.- Basant Kunj, Delhi 0110070.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satish Kumar Sinha

For the Opposite Party/s : Mr.Choubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 04-03-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 1142 of 2019 for the offence
punishable under Sections 420/120B of the Indian Penal Code.

The allegation is that the complainant had entered into
a partnership agreement with the petitioner, whereafter it was
agreed to develop a plot situated at Mirzapur, New Delhi and
accordingly, an agreement was executed on 07.12.2017,
whereafter certain amount of money was given to the petitioner,
however, subsequently, the deal failed and the petitioner refused
to give the share of the complainant to him by way of



registering his share in the 6 floors building, developed by the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and he is having clean antecedent. It is further submitted that the allegations levelled in the present case are purely of a civil nature and the complainant would be well advised to move the competent court of civil jurisdiction for execution of the terms and conditions of the agreement.

The learned counsel for the complainant has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and perusing the materials on record, this Court is of the opinion that the allegations levelled in the present case are purely of a civil nature and the complainant is seeking execution of the terms and conditions of agreement dated 07.12.2019 by resorting to criminal proceedings, hence, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender in the court below within a period of four weeks from today, the



petitioner, above named, is directed to be released on anticipatory bail on furnishing bail- bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-14, Patna in connection with Complaint Case No. 1142 (C) of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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