

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82709 of 2019

Arising Out of PS. Case No.-1765 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

=====

RUPESH KUMAR S/O- Sant Kumar Sinha Resident of Flat No. A/10,
Friend's Apartment, Montessori School Lane, Boring Road, P.S. - Sri
Krishnapuri, District - Patna, presently residing at Prashray Villa, Pirmuhani,
Kadam Kuan, P.S. - Gandhi Maidan, Dist-Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Indu Singh Wife of Late Dr. Ashok Prasad Singh Resident of Village -
Hakam, P.S.- Mahmadpur, District - Gopalganj.
3. Phulmati Devi @ Sanyukta Devi W/o Sudama Singh R/o Flat No. A/104,
Sant Parsharaya Garden, Adarsh Vihar Colony, Rupaspur, P.S. - Rupaspur,
Distt. - Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Satyavrat Verma

For the Opposite Party/s : Mr.Dinesh Singh

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 06-10-2020 This matter has been taken up through Video
Conferencing.

Heard the parties.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 420 and
406 of the Indian Penal Code.

Petitioner is a builder and opposite party no.2 Indu



Singh who is complainant had purchased Flat No. A-103 in Prashray Garden Apartment from this petitioner through registered sale-deed. After purchase, electric connection was installed in the said flat in the name of opposite party no.2. Later On, opposite party no.3 Phulmati Devi @ Sanyukta Devi who was land owner on which the apartment was constructed started putting her claim on Flat No. 103 on the ground that the said flat was allotted to her share.

Learned counsel for the petitioner submits that the conduct of the petitioner was never dishonest one, as the said flat was in the share of the petitioner and after going through the development agreement, opposite party no.2 had purchased the said flat.

Learned counsel for the opposite party no.3 submits that the opposite party no.3 has already filed a civil suit against the petitioner and opposite party no.2 for redressal of her grievance.

Learned counsel for the opposite party no.2 submits that huge consideration money was paid through cheque and opposite party no.2 is still on the road.

However, learned counsel for the opposite party no.2 failed to produce any document which was seen and prima



facie verified to ascertain title of the petitioner on Flat No.103 before entering into an agreement for purchase of the same. A casual and negligent person cannot get protection in a criminal proceeding. The Civil Court would examine the genuineness of the documents.

Hence, in my view, the petitioner deserves protection of law. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Complaint Case No. 1765(C) of 2016, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure as well as subject to the following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without



permission of the trial Court.

(Birendra Kumar, J)

mantreshwar/-

U		T	
---	--	---	--

