

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26960 of 2020

Arising Out of PS. Case No.-1171 Year-2018 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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Kaushal Kishore Pandey, Son of Chandra Dev Pandey, Resident of Village-
Brahurup, P.S.- Bhagwanpur, District- Vaishali, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ranjeet Kumar, Son of Late Kapil Deo Singh, Resident of Village- Brahurup,
P.S.- Bhagwanpur, District- Vaishali, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	M. Chittaranjan Sinha, Sr. Advocate Mr.Prashant Kumar, Advocate
For the S t a t e	:	Mr. Md. Aslam Ansari, APP
For the Complainant	:	Mr. Manish Chandra Gandhi, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 05-02-2021 Heard learned counsel for the petitioner and the

learned APP for the State as well as the learned counsel for the

complainant.

The petitioner is apprehending his arrest in
connection with Complaint Case No.C1-1171 of 2018 registered
for the offence punishable under Sections 406 and 420 of the
Indian Penal Code.

On a consideration amount of Rs.16,00,000/-, the
complainant has expressed his willingness to purchase a flat at
Indirapuram from the petitioner, for which the complainant had
paid Rs.1,50,000/- as advance and subsequently the complainant



has paid Rs.6,50,000/- to the petitioner through bank account and allegedly paid Rs,8,00,000/- in cash on different dates. After payment, the petitioner started avoiding registration of the flat. Thereafter the petitioner asked for return of his money, for which the complainant issued cheques, which had been dishonoured by the Bank.

For the purposes of grant of anticipatory bail, Mr. Chittaranjan Sinha, learned Senior Counsel appearing for the petitioner submits that without prejudice to his right at the trial, the petitioner would be depositing Rs.60,000/- (sixty thousand) in the court below. It is also submitted that the allegations at best constitute allegations which are predominantly civil.

Let the petitioner deposit within two weeks the amount as per submission of the learned Senior Counsel, whereafter the petitioner shall avail the liberty of anticipatory bail.

Learned counsel for the complainant and the learned APP for the State have opposed the prayer for pre-arrest bail.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, **on**



his depositing Rs.60,000/- (sixty thousand) in the court below within two weeks and in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M.-II, Vaishali at Hajipur, in connection with Complaint Case No.C1-1171 of 2018, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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