

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44656 of 2021

Arising Out of PS. Case No.-10 Year-2020 Thana- DANAPUR District- Patna

Arvind Kumar @ Arvind Kumar Singh S/o Radhe Shyam Singh R/o village-
Jogpur, P.S.- Sherghati, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Mistry

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 24-11-2021 Heard both parties.

The petitioner seeks bail in Danapur P.S. Case No. 10 of 2020, registered for the offence punishable under Sections 420, 406, 467, 468 and 471 of the Indian Penal Code and section 138 of the Negotiable Instruments Act.

FIR has been instituted on the basis of complaint case filed on behalf of Kumu Kamni Managing Director of Keshav Hospital Pvt. Ltd. Saguna More, Patna alleging therein that this petitioner runs a construction company registered from Bihar Government having corporate office at Dumraon Palace, Dak Bunglow Road, Patna. It is further alleged that the informant agreed to purchase the land from petitioner and gave Rs. 3,61,00,000/- (Three crore sixty one lakh) and petitioner gave receipt of the payment to her. The petitioner could not provide



the land to the complainant as per the agreement, then petitioner returned her money through a cheque bearing cheque no. 578393 dated 25.09.2019 of Axis Bank, Patna for Rs. One crore and the same was presented in Canara Bank at Danapur on 27.09.2019, but the account was found closed. Thereafter, notice was sent through Advocate on 04.11.2019, but no reply was given. Thereafter, the instant complaint case has been filed.

It is submitted on behalf of the petitioner that petitioner has committed no offence and he has already executed sale deed on various date in favour of the complainant of land measuring 06 Bighas as per the agreement at the rate of Rs. 2,80,000/- per kathha (Annexure-P/2). As per allegation petitioner took Rs. 3,61,00,000/- out of which he has already executed sale deeds for the land worth Rs. 3,36,00,000/- measuring 06 Bighas (Annexure-5) and made payment of Rs. 57,50,000/- and thus, complainant has already received more than what she has given to the petitioner. The alleged cheque of Rs. One crore was issued as surety for the land transaction, but the complainant misused the same by trying to encash the same and in support of the same supplementary affidavit has been filed bringing on record all the necessary documents. Lastly, it is submitted that nature of dispute is purely civil in nature and



moreover, the offences under the Negotiable Instruments Act are compoundable in nature. Petitioner is in custody since 10.12.2020. Chargesheet has already been submitted.

However, counsel for the informant vehemently opposed the prayer for bail and submitted that petitioner is habitual offender and as many as five cases of similar nature are pending against him. It is further submitted that earlier petitioner was in custody in connection with Industrial (Hajipur) PS Case No. 84 of 2020 in which he was granted conditional bail and thereafter, petitioner was remanded in the present case. It is further submitted that the sale deeds the details of which has been mentioned in Annexure-5 of the Supplementary Affidavit from perusal of those sale deed it would appear that those sale deed are not related with the plots of land mentioned in the clause 1 of the agreement for sale dated 18.10.2016 (Annexure-2). Investigation is complete.

Considering the rival submissions of the parties, materials available on record and the fact that petitioner has already remained in custody for more than one year, the petitioner above-named, is directed to 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 the learned



Additional Chief Judicial Magistrate I, Danapur, Patna in
connection with Danapur P.S. Case No. 10 of 2020.

(Prabhat Kumar Singh, J)

vinita/-

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