

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36965 of 2022

Arising Out of PS. Case No.-434 Year-2021 Thana- BUXAR District- Buxar

Shamresh Singh, Son Of Late Rampravesh Singh R/O Village- Chhawchhua,
P.S.- Nawanagar, District- Buxar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Arun Kumar Gupta
For the Opposite Party/s :	Mr. Ganesh Prasad Singh
	Mr. Shankar Dayal Singh
	Mr. Nitish Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-09-2022 The learned counsel for the informant has filed a vakalatnama, which is taken on the record.

Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 406, 420 and 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner has antecedent of one case and the informant alleges that Amar Kumar (petitioner) and Samresh Singh had approached him for purchasing his 6 1/2 kattha of land for a consideration of Rs.18,00,000/-. It is next alleged that Samresh Singh transferred Rs.1,00,000/- in the account of the informant and thereafter, issued a cheque for Rs.17,50,000/-. It is next alleged that the sale deed was



executed on 30.06.2021. It is also alleged that the cheque bounced.

The learned counsel for the petitioner submits that he has been falsely implicated in the present case. It is next submitted that the total consideration for purchasing 6 1/2 of land of the informant was Rs.8,13,000/- out of which, Rs.1,00,000/- was transferred in the account of the informant. Thereafter on 09.06.2021, Rs.50,000/- was paid, thereafter on 22.06.2021, Rs.4,50,000/- was paid then on 29.06.2021, Rs.1,50,000/- was paid and on 30.06.2021, Rs.1,63,000/- was paid and thereafter sale deed was executed on 30.06.2021. The learned counsel submits that as far as issuance of the cheque for an amount of Rs.17,50,000/- is alleged, the said cheque was issued on 10.07.2021 i.e. after execution of the sale deed. It is next submitted that no prudent man would sell his property without accepting the entire consideration amount. It is further submitted that informant after having received the entire consideration amount executed the sale deed and Samresh Singh issued the said cheque on 10.07.2021 with respect to a separate property of the petitioner though in the F.I.R. taking advantage has falsely alleged that the said was a post dated cheque though it was given to the informant on 30.06.2021 itself. The learned counsel next submits that if the cheque would have been issued towards consideration of the property in question, then definitely the informant would have approached the Court of competent jurisdiction when the cheque was not honoured, but this not the case, this amply demonstrates that the informant by way of



after thought has tried to make out a case that the said cheque was issued in lieu of the consideration of the present transaction. The learned counsel next submits that even the son of the informant has filed a Suit No.338 of 2021 in the Court of Sub-Judge-I, Buxar for cancelling the sale deed executed by the informant. It is submitted that in the said suit also the consideration amount mentioned is Rs.8,13,000/-. The learned counsel next submits that in the suit, the ground for getting the sale deed cancelled is that the informant did not had the competence to execute the sale deed as the said property on partition came in the share of the son of the informant. The learned counsel thus submits that the son of the informant has already moved an application before a Court of competent jurisdiction for getting the sale deed cancelled, then the present case is nothing, but an abuse of the process of law. It is an attempt by the informant to coerce the petitioner into the submission to settle civil dispute under threat coercing and fear of arrest.

The learned counsel for the informant as well as the learned Additional Public Prosecutor opposes the anticipatory bail application, but are not able to meet the submission of the learned counsel for the petitioner that the son of the informant has already filed a suit for getting the sale deed cancelled on the ground that informant was not competent to execute the sale deed and not on the ground that the informant had not received the entire consideration amount.



Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Buxar Town P. S. Case No.434 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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