

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47736 of 2021

Arising Out of PS. Case No.-785 Year-2020 Thana- KANKARBAG District- Patna

SURAJ SHARMA S/o VISHWANATH SINGH Resident of Village- Atma,
P.S.- Ishlampur, District- Nalanda., At present R/o R.K. Residency Flat
No.401, Road No.04, Ashok Nagar, P.S.- Kankarbagh, Distt- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Bhaskar Shankar, Adv.
For the State	:	Mr. Manoj Kumar, APP
For the Informant	:	Mr. Parashuram Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 16-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 406, 420 and 506 of the Indian Penal Code and section 138 of the N.I. Act.

As per the prosecution case, the informant states that he gave a total sum of Rs.23,05,000/ to the petitioner for purchase of an immovable property, however neither the registered sale deed was executed by the accused nor the amount returned.

It is submitted by learned senior counsel appearing for the petitioner that the petitioner has been falsely implicated in



the case. The total consideration amount was not Rs.25 lacs as has been contended by the informant but was a total sum of Rs.11,55,000/. Unfortunately on the cheques having been issued by the petitioner, being dishonoured for difficulty on part of the petitioner in arranging the funds, he paid the total sum by four different transactions through RTGS and NEFT, the details of which has been given in paragraph no.6 in the second supplementary affidavit filed on behalf of the petitioner. It is submitted that the case is purely one of civil dispute. The petitioner is in custody since 1.7.2021 and chargesheet has been submitted in the case.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that a total sum of Rs.23,05,000/ have been paid by the informant through different modes details of which have been given in the F.I.R. for purchase of the land belonging to the accused. The accused-petitioner went back on his words and was not ready to execute the sale deed only for the reason that in the meantime, the price of the land had gone up. Neither the sale deed was executed nor the total amount of Rs.23,05,000/ paid back to the informant. Learned counsel for the informant submits that from the second



supplementary affidavit, it would be evident that three cheques of the informant being a total value of Rs.23,05,000/ which was due and payable by the petitioner to the informant bounced and thus bail should not be granted to the petitioner till the said amount is paid to the informant.

Having heard learned counsel for the parties and taking into consideration the facts of the case, chargesheet having been submitted in the case and the petitioner having remained in custody for over 7 months, the Court directs the petitioner to be enlarged on bail in connection with Kankarbagh P.S. Case no.785 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Patna.

(Partha Sarthy, J)

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