

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63942 of 2019

Arising Out of PS. Case No.-187 Year-2019 Thana- DHAKA District- East Champaran

1. ABHAY KUMAR @ ABHAY KUMAR SINGH Son of Dhrup Singh
Resident of Barharwa Lakhansen, P.S.- Dhaka, District- East Champaran
2. Amit Kumar @ Aditya Kumar Son of Dhrup Singh Resident of Barharwa
Lakhansen, P.S.- Dhaka, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Asif Kalim

For the Opposite Party/s : Mr.Zainul Abedin

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

10 20-07-2022 The learned counsel for the petitioners is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioners as well

as the learned counsel for the informant.

The petitioners apprehend their arrest in connection

with Dhaka P.S. Case No. 187 of 2019 registered for offence

punishable under sections 420 and 406 of the Indian Penal

Code.

The informant, who is an agriculturist, lodged an FIR,

stating therein that the petitioners and his brother, who are

owner of the brick kiln, demanded Rs.6,46,000/- from the



informant. He provided that money to them but they did not return. On persistent demand, petitioner no. 1 issued a cheque of Rs. 6,00,000/- to the informant, but it was bounced.

The learned counsel for the petitioners has submitted that in the year 2015, petitioner no. 1 executed a sale deed in favour of the wife of the informant in lieu of Rs. 6,46,000/-. He has submitted further that the consideration money was Rs.3,00,000/-, to which the learned counsel for the informant has opposed and submitted that the sale deed was executed in the year 2015. The recitals of the sale deed are explicit and it has been written that the petitioner no. 1, vendee has already paid the entire consideration money to the vendor, as such, Rs.6,46,000/-, as mentioned in the FIR, is not the consideration money neither the sale deed was executed in lieu of that amount. The sale deed was executed in the year 2015 and the cheque was issued in the year 2019. The recitals of sale deed are explicit. The vendee has mentioned in the sale deed that she had already paid the entire consideration money.

There is the allegation of issuance of cheque, which was bounced, is only against **petitioner no. 1, as such, his prayer for anticipatory bail is rejected.**

So far as petitioner no. 2 is concerned, there is no



allegation against him that he issued the cheque, as such, his prayer for anticipatory bail is allowed.

Let **petitioner no. 2**, in the event of his arrest or surrender, within four weeks from today, **be released on bail** on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikrahna at Dhaka, District-East Champaran in connection with Dhaka P.S. Case No. 187 of 2019, subject to condition as laid down under section 438(2) of the Code of Criminal Procedure.

Office shall ensure that all defects are removed by the petitioner(s) within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

Mahesh/-

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

