

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3770 of 2023

Arising Out of PS. Case No.-151 Year-2019 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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UMESH KHARGA S/o Late Nandu Kharga R/v- Simari, P.S.- Bisfi, District-
Madhubani Presently residing at Mohalla- Chouthai Patti Sapta, P.S.- Rahika,
District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. MANGNU YADAV S/o Mahag Yadav R/v- Salempur, P.S.- Bisfi, Post-
Pandaul, District- Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nirbhay Prashant, Adv.
For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP
Mr.Saroj Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-03-2023 Heard learned counsel for the petitioner, learned counsel
for the complainant and learned APP for the State.

The petitioner apprehends his arrest in a case registered
for the offence punishable u/s 406, 420, 467 & 468 of the iPC
and section 138 of the NI Act.

As per the prosecution case, the petitioner had negotiated
to sell his house to the complainant for Rs.20 Lacs and in
advance, the complainant paid Rs.9,45,000/- to the petitioner
and the petitioner promised to execute registered sale deed in
favour of the complainant. Thereafter, the complainant arranged
Rs.10,55,000/- and requested the petitioner to execute sale deed,



but the same was not done and on 16.01.2019, petitioner handed over a cheque of PNB, Madhubani to complainant but the same could not be cleared because of insufficient fund.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. It is submitted that the petitioner borrowed money for business need from the complainant and this debt was settled between the year 2011 to 2017, thereafter there is no dues on behalf of the petitioner. There is no agreement between the parties and the complainant has nowhere shown any receipt that he paid said amount to the petitioner. Petitioner has one criminal antecedent, as mentioned in para-3 of the bail petition.

Learned APP for the State as well as learned counsel for the complainant opposed the prayer for bail by submitting that there is direct allegation against the petitioner to not execute the sale deed in favour of the complainant even after receipt of the agreed amount.

Having regard to the facts and circumstances of the case, since there is a civil/money dispute between the parties, let the above named petitioner, be released on bail, in the event of his



arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Complaint Case No.151 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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