

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12040 of 2023

Arising Out of PS. Case No.-2607 Year-2015 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Dinesh Kumar, aged about 43 years, Male, S/o Ram Pukar Sharma , resident of Mohalla- Rewa Road Bhagwanpur, P.O.- Bhagwanpur, P.S.- Sadar, District- Muzaffarpur.

... .. (Complainant)- Petitioner

Versus

1.The State of Bihar

2. Munna Kumar, Male, aged about 48 years, Son of Late Yogi Paswan, resident of Village- Professor Colony, Near Hanuman Temple, Dumari, P.S. - Sadar, District – Muzaffarpur (Accused)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Priya Sharan Singh

For the Opposite Party/s : Mr.Mohammad Sufyan

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 17-05-2023 Heard the parties

The present application has been filed for cancellation of anticipatory bail granted to the Opposite Party-2 by order dated: 24-07-2019 passed in Cr. Misc. No. 16532 / 2019.

The Opposite Party-2 had approached this Court seeking anticipatory bail in connection with Complaint Case No. 2607 / 2015 (Trial No. 1690 / 2019) in which cognizance was taken under Section 420 of the I.P.C. with the allegation that the Opposite Party-2 entered into an agreement for sale of a piece of land with the present petitioner / complainant for a total consideration amount of Rs. 7,50,000/- out of which the



petitioner paid a sum of Rs. 3,35,000/- to the Opposite Party. 2. After taking money from the petitioner, the Opposite Party -2 did not execute the sale deed in favour of the petitioner on the contrary, he got the sale deed executed in favour of his wife by sale deed dt: 03-05-2013. During course of hearing of the anticipatory bail application the Opposite Party- 2 made a submission that he is ready to return the advance amount of Rs.3,35,000/- in three equal installments in favour of the petitioner as a condition for grant of anticipatory bail. This Court accepting the offer made by the Opposite Party- 2 granted him anticipatory bail subject to the condition that the Opposite Party - 2 would pay a sum of Rs. 3,35,000/- in three equal installments by way of bank draft in favour of the petitioner – complainant.

Learned counsel for the petitioner submits that at the time of furnishing bail bond the Opposite Party-2 paid a sum of Rs. 1,11,666.66/- in favour of the petitioner but thereafter he did not follow the condition of bail and did not pay the other two installments in favour of the petitioner.

Upon notice being issued by this Court on 22.02.2023 to the Opposite Party-2, Mr. Shyam Kishore, learned counsel appeared for the Opposite Party- 2 and prayed for two weeks



time to take instruction from his client regarding payment of money to the petitioner as per the order dated 24/07/2019 passed in Cr. Misc. No. 16532 of 2019. On 19-04-2023 when the matter was again taken up one week time was sought by the Opposite Party-2 to file counter affidavit in the matter. On 26.04.2023 learned counsel appearing for the Opposite Party- 2 sought one week time to file affidavit specifically stating therein the date by which the Opposite Party- 2 shall make payment pursuant to the order granting anticipatory bail. Today ,when the matter was called out, the affidavit on behalf of the Opposite Party- 2 is not on record. However, learned counsel for the O.P.- 2 submits that despite his best effort he could not contact his client (i.e. Opposite Party- 2).

Regard being had to the submission made by the parties and taking into consideration the fact that Opposite Party -2 was granted anticipatory bail subject to the condition that he shall return the amount in question but from the record it appears that Opposite Party -2 did not follow the condition of bail and defaulted the condition of anticipatory bail, as such, the anticipatory bail granted to the Opposite Party -2 is hereby cancelled. Consequently bail bond stands cancelled.

Accordingly, court below is directed to take necessary



steps to ensure the attendance of the Opposite Party -2.

(Anil Kumar Sinha, J)

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