

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31228 of 2022

Arising Out of PS. Case No.-370 Year-2017 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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SANTOSH KUMAR SON OF JAMUNA PRASAD R/O PARASDIHA, P.S.-
NAGARNAUSA, DISTRICT- NALANDA AND RESIDENT OF LALGANJ
CHANDI, POST- CHANDI, P.S.- CHANDI, DISTRICT- NALANDA AT
PRESENT HOUSE NO.-J-55, P.C.COLONY, KANKARBAGH, P.S.-
KANKARBAGH, POST- LOHIYA NAGAR, DISTRICT- PATNA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. RASHMI KUMARI WIFE OF SUDHANSU KUMAR R/O VILLAGE-
DIRIPAR, P.O.- MAKRAUTA, P.S.- CHIKSAURA, DISTRICT-
NALANDA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Anil Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Ram Bilash Roy Raman, App
For O.P. No.2	:	Mr. Rudal Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

9 17-02-2023 As prayed for, learned counsel for the petitioner is permitted to make necessary correction in prayer portion of this petition.

Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner, the learned APP for the State and the learned counsel for O.P. No.2.

Petitioner seeks regular bail in connection with



Complaint Case No.370(C) of 2017 registered for the offences punishable under Sections 341, 323, 406, 420, 504 of the Indian Penal Code and Section 27 of the Arms Act in which cognizance of the offences under Sections 406, 420 and 504 of IPC has been taken.

As per the prosecution, the informant alleged that this petitioner cheated the complainant of Rs.10,66,000/- over an execution of sale deed of the alleged land.

The main submissions advanced by the learned counsel Mr. Mr.Anil Kumar Singh for the petitioner are that though against the petitioner there are criminal antecedent of seven cases but he has got bail in most of the said cases and the main dispute involved in the present matter between the petitioner and the complainant relates to transfer of land and the nature of allegation mainly attracts the civil wrong on the part of petitioner, who has been languishing in jail since 02.02.2021.

Learned counsel Mr. Rudal Prasad appearing for O.P. No.2, who is a complainant, has vehemently opposed the bail prayer and submitted that the alleged act of the petitioner mainly attracts penal provisions of I.P.C. as he attempted to sell a land in which he has no title and against him, there are several cases



and the complainant paid a large consideration amount of Rs.10,66,000/- in respect of a land of which the petitioner claimed to be owner and the petitioner cheated several persons including the petitioner with the same nature of offences like the present matter.

Heard both the sides.

Though the allegation of cheating made against the petitioner by the O.P. No.2 is serious in nature but considering the petitioner's custody period which has been two years, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Complaint Case No.370(C) of 2017.

(Shailendra Singh, J)

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