

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45031 of 2022

Arising Out of PS. Case No.-1415 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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1. ABLESH KUMAR SINGH @ AWALESH KUMAR SINGH Son of Rewat Narain Singh Managing Directors of Maa Shakti Developer Pvt. Ltd. (Corporate Body) and Resident of Village - Ashok Nagar Road No.10, Indri Sadan, Kankarbagh Colony, PO- Lohia Nagar, P.s.- Kankarbagh, Distt.- Patna. 20.
 2. RAJ KUMAR Sonof Ram Bujhawan Singh Managing Directors of Maa Shakti Developer Pvt. Ltd. (Corporate Body) and Resident of Village - Ashok Nagar Road No.10, Indri Sadan, Kankarbagh Colony, PO- Lohia Nagar, P.s.- Kankarbagh, Distt.- Patna. 20.

... .. Petitioner/s

Versus

1. The State of Bihar
2. CHANDRASHEKHAR PRASAD Son of Late R.N.P. Singh Resident of Village - J/182, P.C. Colony, Kankarbagh, P.s.- Kankarbagh, Distt.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saket Anand, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 11-01-2023 Heard learned counsel for the petitioners and the

State.

The petitioners are apprehending arrest in connection

with Complaint Case No. 1415 of 2019 under section 420 of the

Indian Penal Code and Section 138 of the N.I. Act.

As per the complaint, the complainant has alleged

that a flat was booked with the accused persons for

consideration amount of Rs. 40,000,00/- of which the

complainant was paid Rs. 32,000,00/-



Further, when the complainant wanted possession of the flat, the same was not given. Later, the accused started avoiding him and finally it came to notice that actually the flat does not belong to his share. Upon pressure, cheques were issued but due to insufficient fund, the same bounced. Accordingly, legal notice and later the FIR.

Learned counsel for the petitioners submit that out of 32,000,00/-, Rs. 26,000,00/- has been received by the complainant and only Rs. 6,00,000/- is due for which they are ready to pay at the time of executing bail bonds, if relief granted in this matter.

Learned counsel for the informant on the other hand submits that actual amount is Rs. 32,000,00/- plus interest which comes to Rs. 44,000,00/- and as such there is still shortage of the amount.

Learned counsel for the petitioners submit that once he pays Rs. 6,00,000/- through Demand Draft issued by the State Bank of India in favour of the informant at the time of executing the bail bonds, he will be sitting with the informant and will see to it that the matter comes to a proper settlement, as he too does not want to litigate the same.

In view of the fair submissions put forward on behalf



of the both parties as also the fact that as per para-3, the petitioners do not have any criminal antecedent, this Court is inclined to grant them relief subject to payment of Rs. 6,00,000/- as stated above.

Let the petitioners be released on bail, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Patna Sadar/concerned court, in connection with Complaint Case No. 1415 of 2019 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

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