

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52693 of 2023

Arising Out of PS. Case No.-1684 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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ARVIND KUMAR SINGH Son of Late Jagdish Prasad Singh Resident of
Village and Post-Bach @ Sarsauna, P.S.-N.H. Bangara, District-Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. MAHENDRA SINGH @ MAHENDRA PRASAD SINGH Son of Dasai
Prasad Singh Resident of Village-Asha Dadari, P.S.-N.H. Bangara, District-
Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan, Advocate Mrs. Bela Singh, Advocate
For the Opposite Party/s	:	Mr. Raj Kishor Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-08-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Tr. no.932 of 2023 (arising out of Samastipur Complaint Case no.1684 of 2022) wherein cognizance has been taken under section 420 of the Indian Penal Code and section 138 of the Negotiable Instrument Act.

3. As per the prosecution case, it is stated by the complainant that with respect to the land in question, the petitioner had sold 10 *kathas* of land on an earlier occasion. With respect to the remaining land, after leaving areas for



common road etc., the lands were divided in plots with each plot measuring about 10 *dhurs*. Two plots were retained by the accused persons. So far as the remaining plots were concerned, an agreement was entered into between the complainant and the accused that as and when the amounts for the respective plots are deposited, sale deeds would be executed in their favour. An amount of Rs.1 lakh was given on 7.2.2021 while the remaining Rs. 21,47,000/- was given on 13.11.2021. Different amounts were transferred in different accounts as has been narrated in detail in the complaint. The accused inspite of repeated assurances did not execute the sale deeds and kept stating that the entire amount of Rs. 40 lakhs be deposited and then all the sale deeds would be registered on the same day. On the sale deeds not being registered, the amount was asked to be returned. Thereafter, the accused gave a cheque for Rs.21,47,000/- with instructions that the same be deposited after two months. The accused further stated that the balance amount of Rs. 7,15,799/- would be paid within a month. The complainant states that on depositing the cheque in his account, as instructed, the cheque was returned for insufficiency of fund. Notice as required in law was sent but could not be served as the accused had disappeared.



4. After inquiry, cognizance was taken under section 420 of the Indian Penal Code and section 138 of the N.I Act.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case with ulterior motive. The sale deed was not executed due to failure of the terms and conditions as per the agreement between the parties. The complainant had to pay the full consideration which he did not deposit. The dispute is civil in nature.

6. Heard learned A.P.P for the State.

7. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the allegations made in the F.I.R together with the petitioner not having disputed issuing of the cheque which bounced and was returned by the Bank on the ground of insufficiency of fund in the account of the petitioner, the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

(Partha Sarthy, J)

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