

Arising Out of PS. Case No.-3054 Year-2020 Thana- PATNA COMPLAINT CASE District- Patna

... .. Petitioner/s

Versus

- Opposite Party/s

For the Petitioner/s : Mr.Aman Raj
For the Opposite Party/s : Mr.Awadhesh Kumar Singh

3. The learned counsel for the petitioner submits that petitioner has antecedent to one case and the complainant alleges that the accused persons including the petitioner proposed to let out their building on rent after completion for opening an educational institution, accordingly, the complainant



gave an amount of Rs. 20,20,000/- both by cash and cheque, it is next alleged that after the building was completed, the complainant came to know that the building has been constructed without approval of the map by the competent government authority, which was a pre-requisite for running an educational institution in a rented premises, further, despite request, petitioner was not able to produce a sanctioned map nor return the amount.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the complainant. It is also submitted that it is very easy for a complainant to file a complaint case and thereafter bring two witnesses and get them examined based on which cognizance is taken. It is also submitted that had an FIR been instituted, the police would have investigated the case threadbare and the correct facts would have come to the fore. It is next submitted that it absolutely does not stand to reason that merely on oral assurance of the petitioner, the complainant would have parted with Rs. 20,20,000/-. It is next submitted that petitioner had obtained a loan of Rs. 1 crore from Central Bank of India for getting the building constructed, as it was agreed in between the petitioner and the complainant that after the building was



completed, the complainant would take it on a monthly rental of Rs. 23,51,000/- and will also deposit Rs. 70,53,000/- by way of security deposit. It is next submitted that the loan cannot be sanctioned by the bank in absence of a sanctioned map by the competent authority.

5. The learned counsel appearing on behalf of the complainant submits that petitioner has not approached this court with clean hands. It is further submitted that at para-3, it has been pleaded that petitioner has antecedent of two more cases.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 3054(C) of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the



criminal antecedents of the petitioner and in the event if it is found that the petitioner has antecedent of more than one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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