

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63721 of 2021

Arising Out of PS. Case No.-952 Year-2019 Thana- SHASTRINAGAR District- Patna

PRAMOD KUMAR Son of Sri Satyendra Kumar Resident of Mohalla - Mainpura, P.S.- Patliputra, District - Patna. At present office - R.D. Eco Developers Pvt/R.D Group Realestate Gosai Tola Road, In front of Durga Temple, P.S.- Patliputra, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv Mr. Ranjan Kumar Dubey, Adv Mr. Kumar Gaurav, Adv Mr. Shashank Kashyap, Adv
For the Opposite Party/s	:	Mr. Ram Naresh Ray, APP
For the Informant	:	Mr. Deovind Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 06-02-2024 Heard the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 406, 420, 34 of the Indian Penal Code.

3. The prosecution case is that, a registered development agreement with respect of 10 decimals of land was executed between the informant and R.D. Eco Developers Pvt. Ltd for construction of apartment on conversion. As per the agreement, three years and six months time was fixed for construction work and after construction of work 50% of constructed area/flat shall be handed over to the informant. It is alleged that the petitioner,



who is the developer in the said firm has not completed the construction work. There are altogether 50 flats in the Chetna Enclave. According to the informant, his share in flat is 7350.8 square feet. The informant is demanding his share of flat but till now it has not been handed over to him. The informant was given only three flats and he was requesting the firm to hand over him the remaining flats but they said that the dispute has not been resolved till date. The builder has not constructed over his land as per the agreement and in this way he has cheated the informant.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. He submits that as per the assurance given by the informant, map was prepared upon which the petitioner and others signed and accordingly map was sanctioned by the concerned authorities. After completion of the work, developer handed over possession letter to the informant with respect to three flats which was accepted by him. He further submits that similarly situated co-accused has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 07.07.2020 passed in Cr. Misc. No.14719



of 2020. Petitioner has three criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail. It is submitted by the learned counsel for the informant that the petitioner has created a forged document of agreements. He further submits that no map for construction of the house over the land of the informant was sanctioned from the concerned authority.

6. Having regard to the facts and circumstances of the case as there is a civil dispute between the parties, let the above named petitioner, be released on bail, in the event of his/her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Shashtri Nagar P.S. Case No.952 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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