

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1185 of 2022

Arising Out of PS. Case No.-419 Year-2019 Thana- BUDDHACOLONY District- Patna

SUSHIL KUMAR SINGH S/o Uma Kant Singh Resident of Flat No. 305,
Naman Ashray Apartment, Sahdeo Mahto Marg, P.S.- S.K. Puri, District-
Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan, Adv.

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 31-07-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 406, 420, 120B and
506 of the Indian Penal Code.

3. The prosecution case, in brief, is that the informant
along with his sister had booked two properties measuring 3000
sq. ft. and 1500 sq. ft. in Food Court at Plot Nos. 44 and 45,
Knowledge Park, V, Greater Noida UP. The informant came to
know about the aforesaid project through co-accused Raj Kumar
Singh and Purushottam Singh. On the direction of the Director
of the Company, payment was made through cheques and
memorandum of understanding was signed between the



informant and authorized signatory of the Builder Company. It is further alleged that under the Assured Return Scheme, the Company had to repay to the informant certain amount along with pre-lease rental, which has not been paid in totality and payment was stopped after initial Assured Return and thus the present F.I.R. has been lodged against the petitioners.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. The petitioner has no role to play in connection with the grievance of the informant, which has arisen purely out of a Memorandum of Understanding. It is further submitted that the entire genesis of the informant's case is the non-performance of the contract on the part of the Company as well as the informant, for settling the scores in a dispute which is entirely civil in nature but being camouflaged as a criminal prosecution in the present case. The nature of allegation in the FIR and the subject matter of dispute is covered under the definition of deficiency in service within the meaning of Consumer Protection Act. It is also submitted that similarly



situated co-accused, namely, Smt. Shikha Singh, who was working as the agent on behalf of the Company, has already been granted anticipatory bail by the learned Court below on 24.02.2021. He further submits that co-accused Purushottam Kumar Singh and Raj Kumar have also been granted anticipatory bail by this Court vide order dated 21.12.2023 in Cr. Misc. No. 130 of 2022 and Cr. Misc. No. 15 of 2022. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail and submits that the petitioner along with other accused persons duped almost Rs. 2,44,52,776/- from the informant in the name of sale of the proposed property. It is also submitted that several criminal cases as well as cases in RERA, NCLT and Hon'ble Apex Court are pending against the Company and the accused persons.

6. Having heard learned counsel for the parties and perusing the material on record, it appears that petitioner has no specific role in the alleged occurrence, several cases are pending against the Company in different forums including the Hon'ble Apex Court and more so the nature of the dispute is purely civil in nature, let the above named petitioner, be released on bail, in



the event of his 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 Budha Colony P.S. Case No. 419 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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