

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20535 of 2024

Arising Out of PS. Case No.-7103 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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SOMITRA SHANKER @ SOMITRA SHANKAR S/O SUSHIL KUMAR
DUBEY R/O VILL-MUSALLAHAPUR, P.S-SULTANGANJ, DIST-PATNA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. ADITYA KUMAR S/O ARJUN PRASAD R/O VILLAGE- MILAN
BHAWAN, KALA MANCH COMPOUND, P.S- GANDHI MAIDAN,
DISTT.- PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Shovendra Kumar, Adv.
For the Opposite Party/s	:	Mr.Rajendra Nath Jha, APP Mr.Manoj Kumar Singh, Adv.for OP-2

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 05-02-2025 Heard learned counsel for the petitioner, State and
informant/opposite party no. 2.

2. The petitioner apprehends his arrest in a complaint
case punishable for the offence under Sections 406, 420, 323
and 506 of the Indian Penal Code.

3. It is alleged that despite taking consideration
money of Rs. 82,51,000/- from the complainant/opp.party no. 2,
the petitioner did not execute sale-deed in favour of opposite
party no. 2 and also failed to return the alleged money.

4. By way of filing supplementary affidavit, learned
counsel for the petitioner submits that it is true that petitioner



had taken Rs. 82,51,000/- from the complainant, as consideration money, to sell his landed property, but due to some difficulty, he could not execute sale-deed in favour of complainant. He further submits that petitioner has already returned Rs. 64,51,000/- to complainant and out of balance amount of Rs. 18,00,000/-, the petitioner has already paid Rs. 1,50,000/- in the first mediation before the Mediation Centre and now, **Rs. 16,50,000/-** is left to be paid to opposite party no. 2, for which, he is ready to pay in easy installments in the Nazarat of concerned Civil Court, for which, learned counsel for the opposite party no. 2 does not oppose.

5. Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st class-cum-A.M.-XII, Patna in connection with Complaint Case No. 7103(c) of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further following conditions:

“(A) At the time of furnishing bail-bond, the petitioner shall deposit **Rs. 3,00,000/-** (Three lacs) in the *Nazarat* of concerned Civil Court and receipt



of the same shall be furnished alongwith bail-bond.

(B) Rest amount i.e. **Rs. 13,50,000/-** (Thirteen Lacs & fifty thousand) shall be deposited in the *Nazarat* of concerned Civil Court in six installments within a period of one year from the date of furnishing bail-bond.

(C) The aforesaid payment shall be subject to final outcome of the case.

(D) If petitioner fails to comply the direction of this Court, the learned Court below would be at liberty to cancel his bail-bond.”

6. This order has been passed, without going into the merit of the case, only for the purpose of considering the prayer for anticipatory bail of petitioner.

(Prabhat Kumar Singh, J)

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