

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33347 of 2015

Arising Out of PS.Case No. -723 Year- 2013 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

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1. Dhananjay Kumar Son of Sri Indradeo Prasad R/o Village Bhojpur, P.S. Manpur, District Nalanda, at present C/o Sri Nagendra Prasad, Mohalla Sundargah, Behind Bihar Police Station -Bihar, District Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Smt Vidyawati Sinha W/o Deo Sharan Pd. Sinha R/o Mohalla Shaluganj, P.S. Bihar, District Nalanda

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar
For the Opposite Party/s : Mr. Anil Kr. Singh No.1 (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-08-2015 Heard learned counsels for the petitioner and the State.

The Petitioner has renewed his prayer for anticipatory bail in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 406, 420 of the Indian Penal Code.

The prosecution case is that petitioner took Rs. 13,20,000/- for executing sale deed with regard to land of Khata No. 112, Kheshra No. 113 measuring an area of 2 decimals in favour of the complainant and Rs. 40,000/- was received by the petitioner for constructing the boundary wall but petitioner failed to execute the sale deed or construct boundary wall.

It is submitted by learned counsel for the petitioner that petitioner has already executed the sale deed in favour of the complainant.

Earlier the anticipatory bail of the petitioner was disposed of vide order dated 03.12.2014 passed in Cr. Misc. No. 19546 of 2014 with observation that in complaint case bailable warrant was issued. Hence, anticipatory bail is not maintainable.

Keeping in view of the fact that petitioner claims to have executed the sale deed in favour of the complainant, it is a case for consideration of prayer for regular bail, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No. 723C of 2013, pending in the Court of learned Chief Judicial Magistrate, Biharsharif.

Accordingly the application is disposed off.

(Dinesh Kumar Singh, J)

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