

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40256 of 2014

Arising Out of PS.Case No. -1026 Year- 2011 Thana -PATNA COMPLAINT CASE District-
PATNA

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Shankar Prasad @ Shankar Sao Son of Late Kameshwar Sao R/O Sipara,
Beside Saw Mill, P.S. - By Pass, District - Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Gautam Kumar Kejriwal, Advocate.

For the Opposite Party : Mr. Hirday Pd. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 20-05-2015 Heard both sides.

The petitioner apprehends his arrest in Complaint Case No. 1026 (C) of 2011, registered for the offences punishable under Sections 406, 420 and 120(B) of the Indian Penal Code.

The complainant alleged that the petitioner executed a sale deed with regard to the property but did not disclose that a Title Suit No. 34 of 2008 was pending for declaration of Title with regard to the same property. The complainant came in possession after execution of the sale deed, but the suit was decreed and in pursuance of the order passed in Execution Case No. 05 of 2009. The plaintiff got possession of the property purchased by the complainant. It is alleged that the petitioner cheated the complainant by concealing the true facts about the title of the property.

Learned counsel for the petitioner submits that it is true that

the petitioner did not disclose the facts to the complainant at the time of execution of the sale deed, but the complainant was party in Execution Case No. 05 of 2009. The complainant did not appear even after publication of notice and accordingly the delivery of possession was handed over to the decree holder, thereafter the complainant filed Miscellaneous Case No. 01 of 2011 and Title Suit No. 174 of 2011 before filing of this complaint case.

On the other hand, learned counsel for the complainant vehemently opposed the prayer for anticipatory bail of the petitioner.

It appears that the petitioner having knowledge about the pendency of the Title Suit No. 34 of 2008 sold the property concealing the relevant facts to the complainant after receiving consideration amount of Rs. 7,50,000/-. Later on, Lakshmi Sao who had filed Title Suit No. 34 of 2008 got the decree and took the delivery of possession of the property.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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