

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29095 of 2014

Arising Out of PS.Case No. -161 Year- 2013 Thana -KHAGARIA COMPALINT CASE District-KHAGARIA

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1. BIRJU THAKUR, S/O Late jagdish Thakur, Resident of village-Santarpur ,P.S.-Muffasil,District-Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bibi Jamuna Khatoon W/O Badruddin

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Shailendra Kumar No.1(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 30-01-2015 Heard the parties.

In this application for anticipatory bail the petitioner apprehends his arrest for the offences punishable under sections 406, 420, 467, 468, 471 and 120 (B) of the I.P.C.

Allegedly, the petitioner executed sale deed in favour of the Complainant after taking consideration money of Rs. 1,40,000/- and in the sale deed khata number and khesra number has been mentioned which is in the name of other person and in that way amount of Rs. 1,40,000/- has been cheated as the land mentioned in the sale deed is in possession of one O.P. Yadav, but the petitioner is not returning the amount nor delivered possession of the land.

Submission is that the petitioner was in possession over the land since the year 1981 on the basis of sale deed and he has been paying rent and rent receipt was issued in his favour. The petitioner has executed the sale deed of his own land and delivered the possession also and that the matter pertains to civil dispute. If the Complainant has any grievance then she should institute civil suit before the competent Civil Courts and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer for bail by submitting that the petitioner neither delivered possession nor is ready to return the amount to the Complainant.

In the facts and circumstances as stated above, considering that the petitioner has committed criminal breach of trust and cheated to a female, i.e. the Complainant and as the petitioner neither delivered possession over the land and is not ready to return the amount and as such this Court is not persuaded to grant privilege of pre-arrest bail to the petitioner and accordingly his such prayer stands rejected in connection with Khagaria Complaint Case No. 161 C of 2013 pending in the Court of S.D.J.M. Khagaria.

(Jitendra Mohan Sharma, J)

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