

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30418 of 2016

Arising Out of PS.Case No. -30 Year- 2016 Thana -EKMA District- SARAN

1. Rajeev Kumar Singh @ Rajeev Singh son of Sri Akhileshwar Singh.

2. Akhilesh Singh @ Akhileshwar Singh son of late Shivjee Singh.

Both resident of Village Cheful, P.S. Manjhi, District Saran at Chapra (Bihar)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 22-10-2016

Heard learned counsel for the parties.

The petitioners seek pre-arrest bail in connection with Ekma P.S. Case No. 30 of 2016 dated 13.02.2016 instituted under Sections 341/323/354/385/406/420/34 of the Indian Penal Code.

The allegation against the petitioners is that they had taken huge amount as advance for sale of land to the informant but later on, despite getting entire amount, there were delaying on some pretext or the other and they did not even return the money, for which earlier Manjhi P.S. Case No. 248 of 2015 was registered under Sections 406/420/120B of the Indian Penal Code. It is alleged that subsequently the petitioners had accosted the informant and had also assaulted and threatened her and her minor son of dire consequences.

Learned counsel for the petitioners submits that they have repaid the substantial amount taken by the informant and only

due to circumstances the land could not be transferred, as initially he required money for the marriage of his sister but due to the marriage not having materialized, the land was not sold. It is submitted that negotiations are going on. It is further submitted that in the other case, the petitioners have been granted anticipatory bail.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that the informant, who became a widow within three months of marriage and has a minor four years old son, was trying to establish her life by buying a piece of land so that she could peacefully live and raise her child in the city of Chapra, but due to the conduct of the petitioners she could neither get the land nor the huge amount which is held up, and the petitioners are trying to avoid such payment. It is further submitted that the informant has been harassed, as the money given by her has not been returned till date.

Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioners on anticipatory bail.

The application, accordingly, stands dismissed.

(Ahsanuddin Amanullah, J)

Anjani/-

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