

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2959 of 2016

Complaint Case No. -1589 Year- 2004 Thana -KATIHAR COMPLAINT CASE District- KATIHAR
=====

Sita Ram Das son of late Rameshwar Das

.... Petitioner/s

Versus

1. The State of Bihar.

2. Raj kumar Choudhary son of Kishori Choudhary Resident of Village-
Durgapur, Gousala, Near Railway Gumti, P.s Katihar, District Katihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sah @ Baranwal

For the Opposite Party/s : Mr. T.P.Mandal(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 04-02-2016

Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code wherein process has been directed to be issued after cognizance being taken.

It is alleged that the petitioner executed three conditional sale deeds on 16.08.2003 in favour of the complainant with regard to about three and half acres of land after taking Rs.1,00,000/- for a period of three years. But, in spite of lapse of period of conditional sale deeds neither the money was returned nor the land was finally transferred in favour of the complainant. Subsequently, complainant found that the land, in question, was not recorded in the name

of the petitioner in revenue records.

It is submitted by learned counsel for the petitioner that for a civil nature of dispute, the accusation has been levelled. Though, the complaint was filed in 2004, but initially the learned Magistrate dismissed the complaint and thereafter in pursuance to revisional order processes was directed to be issued after cognizance being taken under sections 406 and 420 of the Indian Penal Code vide order dated 7.01.2009.

Considering the fact that processes under sections 82 and 83 Cr.P.C. were issued on 28.02.2014, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

Let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Complaint Case No.1589/2004, pending before the learned Judicial Magistrate, 1st Class, Katihar.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--