

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9995 of 2016

Arising Out of PS.Case No. -85 Year- 2015 Thana -KURTHA District- JEHANABAD

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Ravindra Kumar Ravi son of Ram Pati Singh Resident of village - Khem
Karan Sarai, Police Station - Kurtha, District - Arwal.

.... Petitioner

Versus

1. The State of Bihar
2. Mahangu Sao, Son of Late Dukhaharan Sao, R/O Village- Mahmadpur,
P.S. – Kurtha, District – Arwal.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Vijay Kumar, Advocate.

For the Opposite Parties : Mr. Bharat Bhushan(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 18-08-2016 Heard both sides.

The petitioner apprehends his arrest in Kurtha P.S. Case
No. 85 of 2015 registered for the offence punishable under Section
420 of the Indian Penal Code.

The gist of the allegation is that the petitioner agreed to
sale six decimal of land of Plot No. 1290 and 1291, Khata No. 189
on consideration of Rs. 5,31,000/-. The informant paid Rs.
51,000/- in cash as advance and Rs. 3,00,000/- through cheque
bearing number 380973 on 27.12.2011. Rs. 1,50,000/- in cash was
paid on 10.01.2012. The informant requested the petitioner to
execute the sale deed but the sale deed was not executed by the
petitioner.

Learned counsel for the petitioner submits that the petitioner has already paid Rs. 4,00,000/- to the informant and the petitioner is ready to execute the sale deed with regard to the same land.

Learned counsel for the informant, however, opposed the prayer for anticipatory bail and submitted that no chit or paper is shown for payment of Rs. 4,00,000/-. Matter was sent to mediation centre but dispute could not be resolved only because the petitioner claimed to have paid Rs. 4,00,000/- to the informant without any acknowledgement, whereas the informant denied to receive any amount. The informant also disclosed that the land has already been sold.

Considering the facts aforesaid and the fact that the petitioner had agreed to return the entire amount and on such undertaking the matter was referred to mediation centre, but the dispute could not be resolved, I am not inclined to enlarge the petitioner above named on anticipatory bail in Kurtha P.S. Case No. 85 of 2015, pending in the court of learned Chief Judicial Magistrate, Arwal. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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