

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33176 of 2016

Arising Out of PS.Case No. -477 Year- 2014 Thana -DANAPUR District- PATNA

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1. Upendra Mandal Son of Shivdhari Mandal,
 2. Pankaj Kumar son of Upendra Mandal Both Resident of Village/
Mohalla :- Raghunath Path, Bailey Road, P.S.- Danapur, District:- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Mukesh Prasad, s/o Late Baban Prasad, R/o Q. No. – 152/4 FAFA
(Officer) Near Bihar House P.O- Danapur Cant, P.s. – Danapur, Distt -
Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 17-10-2016 Heard both sides.

The petitioners apprehend their arrest in Danapur P.S.
Case No. 477/2014, registered for the offences punishable under
Sections 420, 406, 467, 468 and 120B of the Indian Penal Code.

The informant alleged that the petitioners received
altogether Rs. 10,76,000/- for executing sale deed of land having
an area of One Kattha Five Dhur, Khata no. 385 and Khesra no.
1649 and a deed of agreement to sell was executed. It transpired
that one title suit no. 126/96 with regard to aforesaid land was



pending and it was resolved between the parties that after disposal of title suit the aforesaid land was sold to the informant, but during pendency of the suit it was agreed that the petitioners would sell land of plot no. 1687, Khata no. 257 and area of 1700 Sq. ft., but the sale deed was executed with regard to only 1000 Sq. ft. It is alleged that the petitioners altogether received more than Rs. 18,00,000/- from the informant and he issued four cheques bearing nos. 255590 dated 10.12.2013 of Rs. 4,00,000/-, 255591 dated 20.01.2014 of Rs. 6,00,000/-, 255592 dated 15.02.2014 of Rs. 10,00,000/- and 255593 dated 01.03.2014 of Rs. 2,00,000/-, but the petitioners paid only Rs. 4,00,000/- on different dates till 14.01.2014. Thereafter, the petitioners issued three cheques of Rs. 6,00,000/-, Rs. 10,00,000/- and Rs. 2,00,000/- respectively.

Learned counsel for the petitioners submits that the petitioners issued the aforesaid cheques in lieu of purchasing 1000 Sq. ft land from the informant, sale deed of which was executed by the petitioners earlier. Petitioners neither committed any fraud nor cheated the informant.

On the other hand, learned A.P.P. as well as learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submitted that the petitioners received money from the informant on the pretext of executing the sale deed, but



the petitioners executed the sale deed with regard to another land having area of 1000 Sq. ft. and issued three cheques for returning the remaining amount, but all the cheques were bounced. It is further submitted that the petitioners have got criminal antecedent which would appear from the perusal of page 42 and onwards of the counter affidavit, as the petitioners had agreed to sell the plot no. 1649 of Khata no. 385 to Ramsundar Prasad the complainant of Complaint no. 260/2013 and the petitioners had agreed to sell the same land to the informant also. Similarly in complaint case no. 934/2012 and in many other cases petitioners have cheated different purchasers of the land.

Considering the facts aforesaid and the fact that petitioners took money from the informant on different dates and agreed to sell the piece of land measuring One Kattha Five Dhur of plot no. 1649 and Khata no. 385 in Danapur, but the same land was found in litigation in title suit no. 126/96, but again petitioners took money from the informant to sell different piece of land of Khesra no. 1687 and Khata no. 257, but only 1000 Sq. ft was sold to the informant and the remaining amount was not returned for which the petitioners issued cheques which were bounced. Petitioners have got criminal antecedent, as the petitioners entered into agreement with different persons for selling different pieces

of land, but the petitioners did not execute the sale deed, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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