

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3535 of 2017

Arising Out of PS.Case No. -198 Year- 2016 Thana -JAGDIHSPUR District- BHOJPUR

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1. Deo Kumar Pal, S/o late Siyadhar Pal, resident of village- Pamwa, P.S.
Jagdishpur, Distt- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 23-02-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in Jagdishpur
P.S. Case No.198 of 2016 instituted for the offence under
Section(s) 420, 406, 467, 468, 120-B/34 Indian Penal Code
pending in the Court of the Additional Chief Judicial Magistrate,
XI, Bhojpur at Ara.

There is allegation against this petitioner that after
executing the sale deed for consideration money of rupees twelve
lacs, he did not pay the amount of rupees six lacs as per the
agreement dated 17.12.2015. There is allegation in the Complaint
Petition that deal for sale of land was finalized for rupees twelve
lacs. The petitioner paid rupees six lacs to the informant-
complainant at the time of execution of the sale deed and assured



her, as per agreement dated 17.12.2015, to make payment of rupees six lacs at the time of taking original sale deed. The petitioner took original sale deed in conspiracy with officials of registry office and did not make payment of rupees six lacs as per the agreement dated 17.12.2015.

This Court is really unable to understand the reason for executing the agreement dated 17.12.2015 by the petitioner with the informant-complainant to make payment of rupees six lacs after execution of the sale deed. The normal practice is that entire consideration money is paid by the purchaser to the vendee before or at the time of execution of sale deed.

Therefore, the very agreement dated 17.12.2015, which has been entered into by this petitioner with the informant-complainant for payment of the balance amount, creates suspicion.

Today, the informant-complainant has appeared. She is a lady and submits that she has been cheated by the petitioner by non payment of rupees six lacs.

In the facts and circumstances of the case, this Court does not find it a fit case for grant of anticipatory bail.

Prayer is rejected.

The petitioner may surrender before the Court below



and seek regular bail, which shall be considered and disposed of
on its own merit without being prejudiced by this order.

(Sanjay Priya, J)

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