

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8950 of 2017

Arising Out of PS.Case No. -296 Year- 2016 Thana -GAYA KOTWALI District- GAYA

=====

Santosh Kumar, son of late Baban Prasad Singh, resident of village
Kolhauara, P.S. Bodh Gaya, Distt. Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. Surendra Kumar, son of late Baijnath Prasad, resident of Mohalla
Telbigaha, Rajendra Path, P.S. Kotwali, Distt. Gaya.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Thakur, Advocate.

For the Opposite Party/s : Mr. Ramchandra Sahani, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4 24-04-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Kotwali P.S.

Case No. 296 of 2016, corresponding to G.R. No. 4487 of 2016
instituted for the offence under Sections 420, 406 of the Indian
Penal Code and Section 138 of N.I. Act

As per allegation in the written report, the petitioner
came to the informant along with other accused persons and
shown some papers of land and told that in front of gate of
Magadh University, the land is situated. He assured him that the
same is clean property. On believing the petitioner, the informant
agreed to purchase the aforesaid land and paid Rs.42,50,000/- to
the petitioner and other accused persons. Upon asking for
execution of sale deed, the petitioner denied on one pretext or the



other. The informant got suspicion, and on search, found all the papers of the land to be forged. The informant made request with this petitioner to return Rs.42,50,000/- and then petitioner gave a cheque of Rs.6,50,000/- drawn on Canara Bank dated 30.3.2016 to the informant, which was dishonored, due to insufficient fund in the account of the petitioner.

Learned counsel for the petitioner has submitted that prior to the present case, the informant (opposite party No. 2) has lodged First Information Report being Bodh Gaya P.S. Case No. 207 of 2016 dated 14.6.2016 and Muffasil P.S. Case No. 328 of 2016 dated 25.7.2016 for similar allegation against the petitioner and police after investigation, submitted Final Form against the petitioner in both the cases. There is no receipt of payment of the said money to petitioner. It has further been submitted that the petitioner has taken loan from opposite party No. 2 amounting to Rs.15,00,000/- and for guarantee of the aforesaid amount, the petitioner had given blank cheque under agreement. The aforesaid Cheque was presented for lodging false case, although, the petitioner has returned and paid the entire amount of loan.

Case diary has been received.

Learned A.P.P. has submitted that all the witnesses have supported the case before the Police. Police in the



Supervision Note also found the allegation true against the petitioner.

In such circumstances, seeing the serious nature of allegation against the petitioner which gets support from statement of witnesses in the case diary as well as supervision note of the police, this Court does not find it a fit case for grant of anticipatory bail to the petitioner.

Therefore, prayer for anticipatory bail of the petitioner stands rejected.

(Sanjay Priya, J)

S.Ali/-

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

