

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21517 of 2017

Arising Out of PS.Case No. -1004 Year- 2016 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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Dilip Gupta Son of Late Bhikhari Sah resident of village - Hardiya Tola -
Majuraha, P.S. - Turkauliya, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Nirmala Devi wife of Ravishankar Shankar Singh resident of Village -
Bhopat Pur Tola, Ahirawliya, P.S. - Kotwa, District - East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Adv.
For the Opposite Party/s : Mr. Ataur Rahman
For the Informant : Mr. Abhishek Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 04-10-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is apprehending his arrest
in connection with Trial No. 294 of 2017 arising out of Complaint
Case No. C-1004 of 2016 registered for offences under sections
406, 420, 467, 468, 471, 120(B), 387, 506 of the Indian Penal
Code.

In the present case, the petitioner has submitted that it
is basically a civil dispute and wrongly has been framed as a
criminal case and, as such, the petitioner is entitled to anticipatory
bail. In support of his submission, he has placed reliance in the
case of Murari Lal Gupta Vs. Gopi Singh reported in (2005) 13



SCC 699, Nageshwar Prasad Singh alias Sinha Vs. Narayan Singh & Anr. reported in (1998) 5 SCC 694 and Dalip Kaur & Ors. Vs. Jagnar Singh & Anr. reported in (2009) 14 SCC 696.

The petitioner is facing four cases of similar nature over his head which have been mentioned in paragraph no.3 of the present bail application. The petitioner is the brother who has executed the sale deed in favour of the Complainant on a consideration amount of Rs. 5,60,000/- in which he is a witness of the sale deed. When the time has come for construction of boundary wall, they have, on one pretext or the other, not cooperated in the same. An allegation has been made that a fraud has been committed upon the Complainant.

This Court has asked the learned counsel for the petitioner as to whether the petitioner is ready to return the aforesaid consideration amount to the Complainant, he replied that the petitioner is not ready to return the same.

Looking to the entire facts and circumstances of the case, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner, namely, Dilip Gupta is rejected.

(Shivaji Pandey, J)

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