

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4679 of 2017

Arising Out of PS.Case No. -553 Year- 2014 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

Chandra Bhushan Dubey, Son of Suresh Dubey, Resident of Village-
Rajokhar, P.S.- Gopalganj, District- Gopalganj.

.... Petitioner

Versus

1. The State of Bihar.
2. Rajbali Yadav son of Late Indrasan Yadav Resident of Village- Jagiri Tola, P.S.- Jadopur, District- Gopalganj.

.... Opposite Parties

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma

For the Opposite Party/ : Mr. Rajendra Singh Shastriji

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

[illegible]

The petitioner apprehends his arrest in connection Compliant Case No. 553 of 2014, registered under Sections 406 and 420 of the Indian Penal Code, pending in the court of the Chief Judicial Magistrate, Gopalganj.

The accusation is that due to submersion of house of the complainant in Gundak river, he thought for construction of new house in safe place, in that course co-accused Mandeo Yadav, who was co-villager of complainant, met to him and asked to purchase the land of the petitioner as he has also purchased the land of the petitioner and constructed the house. Thereafter, complainant contacted the petitioner, who become



ready to sale land of 3 katha and 6 dhoor of Plot No. 13 and 14, Khata No. 58 at the rate of Rs. 80,000/- per katha. Accordingly, complainant Rajbali Yadav gave Rs. 1,60,000/- as advance to the petitioner on 09.07.2012 and remaining amount was to be paid on the date of execution of sale deed, but in spite of repeated request, the petitioner did not take any heed to take the remaining consideration amount and measurement of the land. Later on, it was detected that the said land which was sold by petitioner to the complainant is recorded in the name of Bihari Sah. While complainant sent notice to the petitioner on 27.12.2013, but he did not give any reply. Thereafter, on 25.02.2014, Panchayati was arranged in which petitioner refused to return the money.

Having considered the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial Court within six weeks and pray for regular bail, which would be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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