

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21725 of 2017

Arising Out of PS.Case No. -640 Year- 2016 Thana -PHULWARI District- PATNA

=====

Dheeraj Kumar, Son of Anil Kumar, Resident o Village- Momamadpur,
P.S.- Phulwarisharif, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pranaya Shanker Sinha, Advocate.

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

7 17-11-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Phulwarisharif P.S. Case No. 640 of 2016, registered under Sections 406, 420, 467, 468 and 471 of the Indian Penal Code, pending in the court of Judicial Magistrate Ist Class, Patna.

The allegation of informant, Nita Kumari, is that her brother-in-law, Sanatan Kumar, had purchased the land of 3 Katha in the year 2012 in the mediation of Dheeraj Kumar (petitioner) and her brother-in-law came in possession over the land, due to that reason she knew to Dheeraj Kumar (petitioner). On 05.02.2015, Dheeraj Kumar (petitioner), his father Anil Kumar and grand-father Rampukar Singh, approached the informant and



talked to get execute the sale deed for 6 Katha 18 dhur and 3 dhurki of land. The informant become ready to purchase the land and accordingly, Dheeraj Kuamr (petitioner) executed the agreement to sale on 05.02.2015 to the effect that if the land of the sale deed which will be executed in her favour suffering to any defect he will exempt the sale of land detailed in the agreement to sale and took another land on same price and took Rs.5,56,000/-. Thereafter, petitioner managed to execute the sale deed by Rajeshwar Singh, Dinesh Singh, Suresh Singh, Kuresh Singh, Bipin Kumar, Anil Kumar Pandey and Binoj Raoy with regard to 6 Katha, 18 dhur and 3 dhurki land of Khesra No. 16, Khata No. 69 and Khesra No. 18, Khata No. 79 through two sale deeds in favour of informant. At that time, petitioner and the vendors took cash of Rs.16,40,000/- as consideration amount. Thereafter, informant asked the petitioner for handing over the possession over the purchased land but he did not take any heed saying that the vendors are out of station. Thereafter, brother-in-law of the informant rushed to the Circle Office for mutation of the purchased land then came to know that the land, which is detailed in the sale deed executed, is not belonging to the executants as detailed. The informant made complaint about cheating by the petitioner, his father and grand-father then she has threatened of



dire consequences, in case of making complaint.

Learned counsel for the petitioner submits that petitioner is the simply witness of two sale deeds, which is alleged to be executed in favour of the informant, Nita Kumari, and he has no concerned with the land as sold in favour of the informant.

On the other hand, learned counsel for the informant submits that Rs.5,00,000/-, Rs.5,64,000/- and Rs.5,00,000/- were credited in the account of the petitioner respectively on 10.02.2015, 17.03.2015 and 23.03.2015 on depositing the three cheques by the petitioner, which were handed over by the informant.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, 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 four 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)

Bhardwaj/-

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

