

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31076 of 2017

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

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1. Sujeet Kumar 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 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

For the Opposite Party/s : Mr. Sri Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

4 31-10-2017 Heard both sides.

The petitioner apprehends his arrest in Complaint Case
No. 1004 of 2016 registered for the offences punishable under
Sections 406 and 420 of the Indian Penal Code.

The complainant alleged that she purchased a piece of
land of Khata No. 98, Khesra No. 645 area 4 decimal vide Sale Deed
No. 13331 dated 21.11.2014 after payment of full and final
consideration of Rs. 5,60,000/-, but when the complainant and her
husband went to the place to construct a boundary, the complainant
knew that the petitioner and his brother already sold the land to the
other persons and the petitioner is in the habit of cheating.

Learned counsel for the petitioner submits that the
petitioner executed the sale deed in favour of the complainant, but



the entire consideration amount was not paid. Rs. 2 lakh is still lying due against the complainant. The complainant in order to grab the consideration amount lodged the complaint case making false and frivolous allegation. It is further submitted that the land is in possession of the complainant and her husband, but it appears that the complainant made allegation against the petitioner Sujeet Kumar Gupta and his brother Dilip Gupta that both received full consideration amount of Rs. 5,60,000/- and thereafter, the petitioner executed the sale deed in favour of the complainant and Dilip Gupta put his signature as a witness on the sale deed. The anticipatory bail petition of Dilip Gupta, brother of the petitioner, has already been rejected by this Court vide order dated 04.10.2017 passed in Cr. Misc. No. 21517 of 2017. The case of the petitioner almost stands on the same footing as the petitioner is the executor of the sale deed and his brother is a witness. It is alleged that the petitioner and his brother is in the habit of executing sale deed in order to cheat the innocent people.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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