

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17707 of 2017

Arising Out of PS.Case No. -2234 Year- 2016 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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1. Ashok Kumar Rajgarhiya @ Ashok Kumar Rajgadiya Son of Late Sita Ram Rajgadhiya

2. Ashish Kumar Rajgarhia @ Ashish Rajgarhia @ Ashish Rajgadiya Son of Shri Ashok Kumar Rajgarhiya @ Ashok Kumar Rajgadiya Both residents of mohalla - Lal Bazar, Bettiah, P.O. and P.S. - Bettiah, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Ram Prasad Vishwakarma S/o Late Jagarnath Mistri resident of mohalla - Gulab Bagh, Bettiah, P.O. and P.S. - Bettiah, District - West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawnit Kumar Tiwary

For the Opposite Party/s : Mr. Sri Murlidhar

For the complainant : Sri Bimlesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 25-04-2017

The petitioner is apprehending his arrest in connection with Complaint Case No. 2234 of 2016 registered for offences punishable under Sections 420, 406 and 120(B) of the Indian Penal Code.

It has been submitted on behalf of the petitioner that petitioner has possession over the shop situated on the land in issue for which he has executed an agreement for sale with the complainant who has failed to pay rest amount within specified time as per agreement and instead of complying the condition of agreement false case was instituted. Admittedly the petitioner has received the part money and he is still ready to execute the agreement.

It has been argued that as per agreement the complainant got agreement executed on 10.8.2016 wherein the petitioner no.1 has no where stated that agreement is for transfer of his title rather he has stated clearly in



the agreement that he would transfer his possessory right over the said land and the terms of the agreement were accepted by the complainant. It has further been submitted that considering the allegation as made in the FIR it appears to be civil dispute in nature.

Heard learned A.P.P. as well as counsel for the complainant.

It has been submitted on behalf of the complainant that has no title to transfer the land in issue and agreement is made by cheating him.

Having heard both sides and in view of the facts as stated, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, prayer for bail is rejected.

The petitioner may surrender before the court below and may prayer for regular bail which will be considered on its own merit without being prejudiced by order of this court.

Accordingly, this application is disposed off.

(Vinod Kumar Sinha, J)

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