

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35703 of 2016

Arising Out of Complaint Case No. -29346 Year- 2014 Thana -PATNA COMPLAINT CASE
District- PATNA

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Amit Kumar, Son of Sri Ramji Chaudhary, resident of Mohalla- Bank of India Colony, B-21, Police Station- Shastri Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Meera Sinha @ Meera Kumari, Wife of Sri Anand Kumar Sinha, resident of Village- Fatehpur, Police Station- Belchi, District- Patna at present posted as A.N.M. at P.M.C.H., Police Station- Pirbahore, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate
Dr. Amrendra Kumar @ Amrendra
Kumar, Advocate.

For the Opposite Party/s : Dr. Rabindra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 20-01-2017 Heard learned counsel for the petitioner and the State.

The petitioner seeks anticipatory bail in a case instituted for the offence under Sections 406, 420 and 468 of the Indian Penal Code.

It is alleged that complainant was acquainted with the petitioner since long and she expressed her desire to purchase a house for which the petitioner showed a house with land measuring 2000 sq. ft. to the complainant for purchase at Mauza Jalalpur, Danapur, Thana Rupaspur, Distt. Patna. It has further been alleged that a meeting amongst landlord, petitioner and



complainant was held on 19.1.2014 in the house of the petitioner where the rate of the house was fixed for Rs.82,50,000/-. On several dates, the complainant gave total amount of Rs. 28,50,000/- through RTGS and by cash to the petitioner for which he obtained receipt and rest amount i.e. Rs.51,50,000/- was sanctioned as loan from the Bank for which the Bank charged penalty of fine of Rs.103,514/-. It is alleged that in spite of payment, the sale deed could not be executed.

From perusal of the record, it appears that the matter was sent to the mediation centre, but the mediation could not succeed.

The petitioner during course of argument has submitted that he has paid the amount to the landlord for which he has obtained receipt. In this manner, the petitioner himself admits that he has received the amount from the complainant. It is also clear from the complaint petition that no sale deed was executed. Similarly, the money was not returned to the complainant. In such manner, there is direct allegation against the petitioner of committing cheating.

Considering the aforesaid facts, this Court is not inclined to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail of the petitioner



stands rejected.

However, the petitioner is directed to surrender before the court below and pray for regular bail.

S.Ali/-

(Sanjay Priya, J)

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