

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40366 of 2017

Arising Out of PS.Case No. -1449 Year- 2013 Thana -GAYA COMPLAINT CASE District- GAYA

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Vijay Prasad, Son of Ramlakhan Mahto, Resident of Village- Usari Tola,
Shekha Bigha, Police Station- Buniyadganj, District- Gaya.

.... Petitioner

Versus

1. The State of Bihar.
2. Kamlesh Kumar Verma, Son of Late Bachu Mahto, Resident of Village-
Hathiyar, Police Station- Bodh Gaya, District- Gaya.

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Niranjan Kumar, Adv.

For the Opposite Party No.2: Mr.Prithvi Raj Singh, Adv.

For the State : Mr. Sri Mithilesh Kumar Khare, APP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 17-01-2018 After hearing the parties, I am of the view

that there is no scope for interference with the order dated

13.12.2016 passed in Cr.Misc.No.49352 of 2016, whereby

anticipatory bail was granted to opposite party Nos.2 and

3 in connection with Complaint Case No. 1449 of 2013, a

case under Section 406 of the Indian Penal Code, for the

reason that the dispute arose out of non-performance of

an agreement to sale between the parties and in the

subsequent deal, the opposite parties admitted in writing

that they have received consideration money and they

would refund the same. Therefore, ingredients of dishonest

intention on the date of initial agreement is completely



lacking.

Hence, this application stands dismissed.

(Birendra Kumar, J)

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