

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50136 of 2017

Arising Out of PS.Case No. -1468 Year- 2013 Thana -PATNA COMPLAINT CASE District-
PATNA

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Rakesh Kumar, son of Devendra Prasad Sharma @ Devendra Prasad Verma, r/o V/o Ramadhar Sharma, Saidpur Mahadeo Ashram, P.S. Kadam Kuan, Distt. Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Mumtaz Ali, son of Md. Anwar Marhum, r/o Kumhrar, P.S. Agamkuan, Distt. Patna, Bahadurpur Housing Colony.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Neerad Parashar, Advocate.

For the Opposite Party/s : Mr. Tapeswar Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 31-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Complaint Case No. 1468 (C) of 2013** instituted for the offence under Sections 406, 420, 465, 467, 468, 120, 384, 34 of the Indian Penal Code and Section 138 of N.I. Act.

It is alleged in the complaint petition that this petitioner entered into an agreement with the complainant after showing an agreement between the petitioner and one jamuna Mehta with regard to Plot bearing Khesra No. 1359, measuring 1625 sq. feet, for sale of the aforesaid plot. The complainant paid Rs.2,75,000/- through cheque and Rs.25,000/- by cash to the petitioner in presence of Jamuna Mehta on 29.8.2012 at the office



of the complainant. The agreement paper was prepared on 29.8.2012 between petitioner and the complainant after payment of Rs.3,00,000/- in presence of Jamuna Mehta, Chandradeep Prasad, Priya Ranjan and Jamindar Kumar. Jamuna Mehta and Ranjeet Kumar both put their signature as a witness on agreement paper. It is further alleged that complainant always made request to the petitioner regarding execution of sale deed but petitioner avoided the same. The complainant on verification, found that plot for which petitioner entered into an agreement with the complainant does not belong to Jamuna Mahta. Thereafter, the complainant asked the petitioner to return his money upon which a cheque amounting to Rs.1,00,000/- was issued by Jamuna Mehta in favour of the complainant which bounced.

In this manner, from the entire transaction, it appears that this petitioner and other persons have committed misappropriation of money and cheated the complainant.

Therefore, this Court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner stands rejected.

(Sanjay Priya, J)

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