

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23856 of 2018

Arising Out of PS. Case No.-3916 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Chandramauli Prasad Singh son of Late Mahendra Singh Resident of Anand Bihar Colony, Police Station - Agamkuan, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Jai Shree Devi D/o Late Harihar Singh and wife of Nawal Kishore Sharma Resident of L.I.G. 2/59, Hanuman Nagar, P.S. Patrakar Nagar, District Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parashuram Singh
For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 18-07-2018 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

Petitioner apprehends his arrest in complaint case no. 3916 (C) of 2016 instituted for the offence under Section(s) 447, 323, 504, 385, 379 and 506/34 of the Indian Penal Code.

In the complaint petition, it is alleged that the complainant purchased a piece of land from Bishnu Rath Sahkari Grih Nirman Samiti on 12.08.199 after payment of Rs. 75,000/-. It is further alleged that although at the relevant time Nawal Kishore Sharma was the Secretary but all cost of land was given by the complainant to this petitioner who is present Secretary of the aforesaid Samiti. The entire sale deed was filled in the hand writing of this petitioner. The petitioner became the witness of the aforesaid sale deed. It is



further alleged that complainant after purchasing the land came into peaceful possession over the land but original sale deed was kept with this petitioner because of good faith. The revenue receipt was, however, issued in favour of the complainant. It is further alleged that on 11.12.16 the petitioner started constructing fresh boundary upon the land which was objected by the informant. The petitioner started abusing the complainant and her son. The husband of the complainant went to meet the petitioner then he abused the husband of the complainant.

Learned counsel for the complainant-opposite party no.2 has submitted that this petitioner has given wrong statement in para 3 of the bail petition that no criminal case is pending against him. In this regard, he has filed a counter affidavit stating that three cases are pending against this petitioner.

A supplementary affidavit has been filed on behalf of petitioner wherein the petitioner has not mentioned the reference of all the three cases which are pending against him as stated in the counter affidavit filed on behalf of the opposite party no.2.

In this manner, he has not given correct information with regard to all the cases which are pending against him, as mentioned in the counter affidavit.

In the complaint petition there is specific allegation against the petitioner of committing cheating and fraud with complainant. Therefore, this Court is not inclined to grant anticipatory bail to



the petitioner. Prayer for anticipatory bail of the petitioner stands rejected.

Petitioner may surrender before the Court below and make prayer for regular bail which shall be considered and disposed of on its own merit in accordance with law without being prejudiced by the present order.

(Sanjay Priya, J)

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