

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.50184 of 2017**

Arising Out of PS.Case No. -1191 Year- 2015 Thana -PATNA COMPLAINT CASE District-  
PATNA

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Ram Babu Singh Son of Late Ram Sharan Singh, R/o Mohalla- Simli  
Pandariva, Bell Kuan, P.S.- Malsalami, District- Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Arti Devi W/o Gopaljee Singh, R/o Mohalla- Simli Pandariva Bell  
Kuan, P.S.- Malsalami, District- Patna.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Jyoti Prabhakar

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**  
ORAL ORDER

7      19-01-2018                      Heard the learned counsel for the petitioner, the  
  
learned A.P.P. for the State as also the learned counsel for the  
  
Complainant.

In this application for anticipatory bail the petitioner  
apprehends his arrest in connection with Complaint Case No. 1191  
of 2015 for the offences punishable under sections 406 and 420 of  
the I.P.C.

Allegedly, on 31.01.2015 an agreement was prepared  
in favour of the complainant by the accused-petitioner for the land  
of 2 Kathas 3 Dhurs and the accused-petitioner received Rs.  
10,00,000/- as advance with the condition that the sale deed with



respect to the said land would be executed in favour of the complainant through the actual land owner Bhuneshwari Devi at Rs. 6,50,000/- per katha. One agreement dated 19.11.2012 was also prepared between the accused-petitioner and the land owner Bhuneshwari Devi relating to sale of the said land and the said fact has also been mentioned in the agreement dated 31.01.2015 but as per agreement dated 31.01.2015 the sale deed was never executed in favour of the complainant nor the amount has been returned to the complainant and as such the petitioner cheated the complainant and his intention was to cheat the complainant from very beginning.

Submission is of false implication and that the complainant and the petitioner are well known to each other and resident of the same mohalla, the petitioner has already been cheated by the actual land owner of the said land and due to that he could not execute the sale deed within time although his intention was not bad, the petitioner has filed Title Suit No. 337 of 2015 in the court of Sub. Judge-1<sup>st</sup>, Patna City against the land owner, the petitioner in good faith has taken advance of Rs. 10,00,000/- but the real land owner is not ready to perform her part of contract, the dispute appears purely of civil nature and as such the petitioner deserves sympathetic consideration.



The learned A.P.P. duly assisted by the learned counsel for the complainant opposes prayer for pre-arrest bail of the petitioner and submitted that after expiry of the agreement dated 09.12.2011 which has been prepared between Bhuneshwari Devi and the accused-petitioner, the agreement dated 31.01.2015 has been executed by the petitioner in favour of the complainant in respect to the said land and received Rs. 10,00,000/- only to cheat the complainant. The complainant is ready to compromise the case but the accused-petitioner is not ready to return the amount of Rs.10,00,000/-.

In the facts and circumstances stated above, finding no good ground for pre-arrest bail, I am not inclined to grant privilege of pre-arrest bail to the petitioner and accordingly his such prayer stands rejected in connection with the aforementioned case pending in the court of Sri R.K. Bharti, Judicial Magistrate, Patna City.

The petitioner must surrender and seek regular bail then his prayer for regular bail shall be considered on its own merit without being prejudiced by this order.

**(Jitendra Mohan Sharma, J)**

Abhay/-

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