

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26396 of 2018

Arising Out of PS.Case No. -2089 Year- 2016 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Md. Asad Rahman S/o Md. Abdur Rahman, R/o Rehanam Jaitpur
Apartment Flat No. 402, Bank Road, Gandhi Maidan East, P.S.- Gandhi
Maidan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mr. Ashish Kumar Sinha S/o Surendra Kumar Sinha, R/o Mohalla-
Mahatma Gandhi Nagar Kanti Factory Road, P.O.- Lohia Nagar, P.S.-
Patrakarnagar, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Usha Kumari Singh

For the Opposite Party/s : Mr. Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 10-07-2018 The petitioner is apprehending his arrest in connection
with Complaint Case No. 2089(C)/16, registered for offences
punishable under Sections 420, 467 and 468 of the Indian Penal
Code.

Allegation as per complaint petition is that the petitioner
negotiated with the complainant to sale his shop to the tune of Rs.
1.55 crore and for that an agreement was entered into between the
parties on 14.08.2015 and complainant paid to the petitioner an
amount of Rs. 40 lacs Rs. 15 lacs through cheques and Rs. 25 lacs
in cash and the rest amount i.e. Rs. 36.65 lacs and odd and Rs.
84.87 lacs and odd was to be paid to the Dena Bank against the



loan on the shop. However, as soon as the complainant came to know that a loan of Rs. 90 lac of PNB Bank is also due on the said shop and, accordingly, he approached the petitioner to return his money back but the petitioner is not ready to return the money.

It has been submitted on behalf of the petitioner that only Rs. 15 lacs has been given by the complainant and not Rs. 40 lac and petitioner is ready to return the said amount of Rs. 15 lacs so far the amount of Rs. 25 lac is concerned, the same has been given to the witness of the agreement and not to the petitioner and the fact with regard to the loan with P.N.B. Bank has also been disclosed to the complainant but the complainant himself has backed out and is not ready to purchase the said shop and has come with this allegation.

Heard learned A.P.P. also as well as learned counsel for the complainant. They have opposed the prayer for bail and submitted that it is the petitioner, who has taken the entire money of Rs. 40 lac, which will be evident from the agreement itself and has also concealed the fact with regard to another loan with PNB Bank.

Having heard both sides, considering the facts and circumstances of the case, nature of accusation as well as the fact that the petitioner is an accused in three other cases, out of which



two of similar nature as the present one, as such, I am not inclined to grant the privilege of anticipatory bail to the petitioner, this application is accordingly dismissed.

Petitioner, if so desire, may surrender before the court below and pray for regular bail, which will be considered by the court below on the merit of the case.

(Vinod Kumar Sinha, J)

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