

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17194 of 2018

Arising Out of PS.Case No. -128 Year- 2017 Thana -RUPASPUR District- PATNA

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1. Bikram Choudhary S/o Sri Rohan Choudhary, R/o Saubhagya Sharma
Path, Rukanpura, P.S.- Rupaspur, Distt.- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Kumar Pathak

For the Opposite Party/s : Mr. Sri Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 23-04-2018 The petitioner is apprehending his arrest in connection
with Rupaspur P.S. Case No. 128/17, registered for offences
punishable under Sections 406 and 120 of the Indian Penal Code.

Allegation against the petitioner that he took Rs.
24,50,000/- from the informant for execution of sale deed of a land
in favour of the informant but neither the land was executed in
favour of the informant nor the money was returned.

It has been submitted on behalf of the petitioner that in
fact that the informant had taken Rs. 30,00,000/- on different dates
from the petitioner to execute a sale deed of five kathas of land
situated in Hajipur, in his favour, which will be evident from
Annexure – 2, which is an agreement for execution of sale deed
with respect to aforesaid land and the informant only to avoid the
payment of Rs. 30,00,000/- to the petitioner, has filed the present
false and concocted case.

Heard learned A.P.P. also as well as learned counsel for



the informant. They have opposed the prayer for bail and submitted that no such agreement has been entered into between the informant and petitioner for execution of sale deed in Hajipur and petitioner has failed to produce the original documents of agreement in the court below also and has come with this false story.

In reply to the above, submission of learned counsel for the informant, learned counsel for the petitioner has submitted that in fact the original papers of agreement was lost, for which he has lodged a *Sanha* on 12.12.2017. However, the said plea of the petitioner cannot be acceded to as the present case was lodged in the month of May 2017.

Having heard both sides, considering the above discussions, this is not a fit case for grant of anticipatory bail, the same is, accordingly, dismissed.

The 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, without being prejudiced by the order of this Court.

(Vinod Kumar Sinha, J)

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