

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34658 of 2018

Arising Out of PS.Case No. -481 Year- 2002 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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1. Gena Yadav @ Genda Yadav, Son of Butan Yadav, Resident of Mohalla- Chini Mil, Buxar Station, P.S.- Buxar, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Narvdeswar Singh, Son of Late Shiv Pujan Singh, resident of Village- Ramobariya, P.S.- Buxar (Ind.), District- Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 10-07-2018 Heard both sides.

The petitioner apprehends his arrest in Complaint Case No.481(C) of 2002 registered under Sections 406, 420, 467, 468, 471, 384 and 120(B) of the Indian Penal Code.

The gist of the allegation that the petitioner was the Secretary of Co-operative Society namely Mitralok Sahkari Grih Nirman Samitee Ltd., Buxar. The complainant gave Rs.26,000/- for purchase of a piece of land. The petitioner being the Secretary of the Co-operative Society executed the sale deed but when the complainant went to the land another person came and disclosed that he purchased the land on 05.07.1999.



The learned counsel for the petitioner submits that the petitioner is ready to return the entire amount. Petitioner is an old man. He is living with his daughter and son-in-law in Gaziabad, U.P.. It is further submitted that Saudagar Pandey has already deposited Rs.8,800/- and he has been granted anticipatory bail but from perusal of the ordersheet, it appears that the case is of the year 2002. The petitioner evaded his appearance. Petitioner filed anticipatory bail before the learned Sessions Judge in A.B.P. No.213 of 2011 and the same was dismissed for non-appearance on 16.08.2011. The petitioner remained absent and avoided his appearance in the court below for more than seven years. Petitioner again filed this anticipatory bail petition in the year 2018. It was the petitioner who took money as Secretary of the Co-operative Society and also executed sale deed in favour of the complainant but before that the petitioner had also executed a sale deed in favour of another person. Process under Section 82 Cr.P.C. has already been issued against the petitioner.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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