

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18641 of 2018

Arising Out of PS.Case No. -380 Year- 2016 Thana -KOTWALI District- PATNA

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Ajay Kumar Singh, Son of Jai Narayan Singh, Resident of Village-Jai
Complex Ram Nagri More, P.S.-Rajiv Nagar District-Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : M/S. Rohit Kumar, Jitendra Narain Sinha
and Kumari Vandana, Advocates.

For the Opposite Party : Mr. Nand Kumar, A.P.P. 154

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-04-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
14.08.2016 to 27.04.2017 and thereafter since 07.03.2018 in a case
registered for the offence under Sections 467, 468, 420, 406 read
with 34 and 120(B) of the IPC.

The prosecution story, in brief, is that the informant
Rakesh Prasad Singh is the Managing Director of ‘Aparna
Housing & Construction Pvt. Ltd.,’ and he came in contact with
co-accused Vishal Kumar Mishra and this petitioner, who assured
the informant to provide a piece of land situated in front of Laxmi
Complex, Boring Road, Patna. The petitioner and co-accused



Vishal Kumar Mishra told the informant that they had already got executed a deed of 'Agreement for Sale' in their favour from the owner of the land. It is further stated that the petitioner and other co-accused Vishal Kumar Mishra told that they were Directors of 'A.V. R. Green Homes Pvt. Ltd.,' and gave a copy of 'certificate of incorporation' of the said company. They demanded Rs. 4 Crores for the said piece of land for paying it in advance to the owner of the land. The accused further assured to execute a sale deed in favour of the informant, whereupon the informant paid Rs. 3,88,85,000/- (Rupees Three Crores Eighty Eight Lacs and Eighty Five Thousand Only) to them through RTGS and in cash also. The accused did not execute a sale deed in the name of the company of the informant. It is also stated that on verification, the documents produced by the accused, found to be forged. The informant asked the accused to refund the amount received by them but they did not repay the same.

This is second attempt on behalf of the petitioner for grant of bail.

Earlier bail application of the petitioner was rejected vide Cr. Misc. No. 49714 of 2016 dated 11.10.2017 taking into account that the petitioner initially induced the informant and received Rs. 3,88,85,000/- (Rupees Three Crores Eighty Eight



Lacs and Eighty Five Thousand Only). Against the said order, the petitioner preferred Special Leave to Appeal (Crl.) No. 9083 of 2017 before the Hon'ble Apex Court. The said appeal was dismissed as withdrawn. Thereafter, a modification application was filed for modifying the order dated 11.10.2017 passed in Cr. Misc. No. 49714 of 2016. The said modification application was also dismissed.

A report was called for from the court below regarding the stage of the case. It has been reported that:

“Charge has not been framed in this case. There are three charge sheeted witnesses and the case may be disposed of within three months after framing of charge.”

Considering the nature of accusation made on behalf of the prosecution and the stage of the case, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Kotwali P.S. Case No. 380 of 2016, pending in the court of learned C.J.M. Patna.

The learned court below is directed to take all necessary steps to frame the charge within a period of one month from the date of receipt/production of copy of this order and thereafter conclude the trial preferably within a period of three months.



The District Magistrate, Patna and the Senior Superintendent of Police, Patna, are directed to ensure that the prosecution witnesses are produced on the date fixed by the court below so that the trial could be concluded within the stipulated period.

Let a copy of this order be communicated to the District Magistrate, Patna and the Senior Superintendent of Police, Patna.

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(Sudhir Singh, J)

