

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.364 of 2019

Arising Out of PS. Case No.-332 Year-2017 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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Anil Kumar Ray @ Anil Ray Son of Late Arjun Ray, resident of Village
Ghatikan Tola, Shahpur, P.S. Sheosagar, District Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gyanchand Singh, son of Shri Lal Bahadur Singh, resident of Mohalla
Takiya, P.O Takiya Bazar Samiti, P.S Sheosagar, District- Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Panchanand Pandit

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 28-03-2019 This is an application for grant of anticipatory bail in
connection with Complaint Case No. 332 of 2017, disclosing
offences under Sections 420, 406, 325, 504/34 of the Indian Penal
Code.

Allegation against the petitioner is that he has taken
Rs.1,00,000/- from the complainant for a period of three years and
made a Baibulwafa on the Stamp of Rs.100/- in favour of the
complainant and further mentioned on it that he mortgaged his two
Bigha land bearing Khata No.30, Plot No.887 for a period of three
years and also mentioned that he will return the amount, but
thereafter after expiry of the period, on demand of money, the
petitioner refused to return money and thereafter the complainant sent a
legal notice also, but no payment was made by the petitioner.



It appears from perusal of the order dated 31.01.2019 that the matter was sent to the Patna High Court Mediation Committee and the report of the Mediation Committee, which is at flag 'M' shows that the mediation has failed.

Submission of learned counsel for the petitioner is that no such amount has been taken by the petitioner and the whole paper of agreement is forged.

Heard learned A.P.P. as well as learned counsel for the complainant, they have opposed the prayer for anticipatory bail of the petitioner stating that neither the possession of the land has been given nor the money has been returned by the petitioner and the agreement paper clearly shows that the petitioner has taken Rs.1,00,000/- from the complainant.

Having heard both sides, in view of the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner. However, if the petitioner surrender before the court below and ready to pay the amount to the complainant on some installments, his prayer for bail shall be considered by the learned court below.

Accordingly, this application is disposed of.

(Vinod Kumar Sinha, J)

Amjad/-

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