

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.11390 of 2019

Arising Out of PS. Case No.-481 Year-2017 Thana- LAHERIYASARAI District- Darbhanga

AWADESH JHA @ AWADESH KUMAR JHA, aged about 58 years, Male,
Son of Sobha Kant Jha, Resident of Village - Yogyara, P.S.- Bahadurpur,
Distt -Darbhanga ... Petitioner

Versus

1. THE STATE OF BIHAR
2. Ajay Kumar Thakur, son of Paltu Thakur, Mohalla New Balbhadrapur, P.S.
Laheriasarai, district Darbhanga ... Opposite Parties

Appearance :

For the Petitioner : Mr. Girish Chandra Jha, Adv.
For the Opposite Parties : Mr. Pawan Kumar Chaurasia, APP
For OP No. 2 : M/s Satish Kumar Sinha & Rajiv Nayan, Advs.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

5 28-08-2019 Heard learned counsel for the petitioner, the leaned
counsel appearing for opposite party no. 2 and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
Laheriasarai P.S. Case No. 481 of 2017, pending in the Court of
the Chief Judicial Magistrate, Darbhanga, for the offences
alleged under Sections 406, 420, 467, 468 and 471 of the Indian
Penal Code.

The accusation is that Rajan Anand Singh and Samir
Choudhary had come in touch with Bhagya Narain Thakur
during his jail custody. After releasing, Rajan Anand Singh and
Samir Choudhary, who used to deal in real estate business, used
to talk on mobile with Bhagya Narain Thakur and asked to
manage the land in low price on which informant Bhagya
Narain Thakur became ready to purchase one katha land.
Thereafter, Rajan Anand Singh and Samir Choudhary came at



his residence and introduced him one Ram Dayal Jha, son of late Satyadev Jha of village Thalwada and showed photo copy of sale deed executed by Praduman Prasad in his favour in respect to 4 katha. He gave Rs.4,00,000/- as advance, on 28.09.2017, on instruction of Rajan Anand Singh and Samir Choudhary. He managed the money and gave Rs.3,00,000/-, on 19.10.2017, to Ramdayal Jha, who also put his signature on the stamp paper acknowledging of the said amount on 25.10.2017. Thereafter, he gave Rs.4,50,000/- on 05.11.2017 Rs.4,00,000/- and on 30.09.2017 Rs.2,00,000/-. Thereafter, informant went to village Thalwada and queried about the land showed to him and also about Ramdayal Jha then he was informed that the photograph on the sale deed was not of Ramdayal Jha. Later, he came to know that photograph on the sale deed was of Awadhesh Jha (petitioner) not of Ramdayal Jha. When he approached at the house of Ramdayal Jha, he concealed in the house. On 02.10.2017 and 08.11.2017 he received phone calls of the son of Ramdayal Jha who assured that his father will execute the sale deed, but, on query he came to know that the person who called on phone was not son of Ramdayal Jha rather he was Awadhesh Jha (petitioner).

Learned counsel appearing for the petitioner submits



that the petitioner has no criminal antecedent.

On the other hand, learned counsel appearing for opposite party no. 2 submits that on 27.02.2019 order was passed to return to Rs.2,00,000/- to the informant/opposite party no. 2 by the petitioner, then, no coercive steps will be taken against the petitioner in connection with the aforesaid case, but, till date petitioner has not paid Rs.2,00,000/-.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, I am not inclined to grant the privilege of pre-arrest bail to the petitioner. The prayer for pre-arrest bail is **rejected**. The petitioner is directed to surrender before the Court below and seek regular bail, which will be considered on its own merit and without being prejudiced of this order.

(Rajendra Kumar Mishra, J)

Shamshad/-

U		T	
---	--	---	--

