

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11055 of 2019**

Arising Out of PS. Case No.-1141 Year-2011 Thana- PATNA COMPLAINT CASE District-
Patna

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Amar Kishore Lal @ Akash Prasad, Son of Late Ram Lakhan Lal, R/o- Bari
Khagaul, P.S.- Danapur, Distt - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pawan Kumar, Son of Kapildeo Tiwary, Resident of Village - Daniyawa,
P.S.- Daniyawa, Distt - Patna.

.. .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Ashok Kumar, APP
For the Opposite Party no.2	:	Mr. Dilip Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 26-06-2019 This is an application for grant of anticipatory bail in
connection with Complaint Case No.1141(c) of 2011, disclosing
offences under Sections 420, 323 & 504 of the IPC.

Allegation against the petitioner is that for sale of a land
for a consideration of Rs.16,00,000/-, he has taken Rs.14,00,000/-
and executed a “Bainama” and it was also decided that on payment
of rest of the amount, petitioner execute the sale deed, but he has not
executed the sale deed, though he is ready to pay the rest of the
amount, a legal notice has also been given to him by the complainant.

Learned counsel for the petitioner drawing my attention
towards Annexure-5 to this petition, has submitted that even
according to legal notice (Annexure-5), petitioner was paid only Rs.
4,50,000/- for installation of mobile tower and that falsified the case
of the complainant. Further submission is that there is no receipt to



show payment of Rs.14 Lakhs and he denies his signatures on the deed of “Bainama”.

Heard learned A.P.P. and learned counsel appearing on behalf of the opposite party no.2, who has opposed the prayer for bail on the ground that receipt of “Bainama” (Annexure-5) disclosed that the petitioner had received Rs.14,00,000/- and “Bainama” is duly signed by petitioner and so far as Annexure 5 is concerned, that is with respect to another transaction, wherein petitioner on the claim of installing the tower, he has taken Rs.4,50,000/- from the complainant and the same was not installed, for which legal notice was also sent. So far as present case is concerned, legal notice has been sent by Annexure-6. Petitioner is in habit of cheating the persons.

Having heard both sides, considering the fact, as stated above, I am not inclined to grant privilege of anticipatory bail to the petitioner, the petitioner is directed to surrender before the learned court below and pray for regular bail.

With the aforesaid, this application is dismissed.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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