

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15597 of 2019

Arising Out of PS. Case No.-309 Year-2018 Thana- MIRGANJ District- Gopalganj

Surendra Sah Son of Late Malu Sah, Resident of Village Mirganj Bazar, Ward No. 9, P.S.- Mirganj, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tarak Prasad, son of late Madan Prasad, R/o Hathua, P.S. Hathua, District- Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shiv Sager Sharma, Adv.
For the State	:	Mr. Ajit Kumar, APP
For the Informant	:	Mr. Dhananjay Kumar Upadhyay, Adv.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 02-05-2019 This is an application for grant of anticipatory bail in connection with Mirganj P.S. Case No. 309 of 2018, disclosing offences under Sections 420, 120(A) and 406 of the Indian Penal code.

Allegation against the petitioner as per complaint petition on the basis of which FIR has been registered that the accused persons were paid RS.- 14,71,000/- and the complainant assured to pay Rs. 5,29,000/- at the time of execution of sale deed and thereafter, an agreement to sell the land has been executed on which some of the accused persons put their signatures as witness and further case is that as per agreement when the informant asked the accused persons to execute the sale-deed, but on one plea or another they did not execute the sale-deed and in the meantime



mother of the accused Surendra Sah died and thereafter informant sent a legal notice and the petitioner is named in the F.I.R. and he is husband of Sharda Devi, who is also a witness in mahadanama.

Submission of learned counsel for the petitioner is that there neither there is any allegation that money was paid to the petitioner nor he is witness on mahadanama and the petitioner has falsely been implicated in this case and the dispute is of civil nature.

Heard learned A.P.P. as well as learned counsel for the complainant/informant, they have opposed the prayer for anticipatory bail of the petitioner on the ground that the petitioner is the husband of Sharda Devi, who is a witness on mahadanama and not ready to execute the sale-deed nor ready to pay the amount.

Having heard both sides, in view of the facts and circumstances as stated above, I am not inclined to grant anticipatory bail to the petitioner, rather he should surrender and make prayer for regular bail, which will be considered on the basis of materials available on record.

Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

Amjad/-

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