

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32397 of 2019

Arising Out of PS. Case No.-673 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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1. BABAN YADAV Son of Indradeo Yadav Resident of Village- Heera Pokhar, P.S.- Yadopur, District- Gopalganj.
 2. Lal Babu Yadav Son of Late Ram Chandra Yadav @ Late Lakshman Yadav Resident of Village- Makasudpur, P.S.- Jadopur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chaturbhuj Prasad Son of Late Rama Sah Resident of Village- Sareya, P.S.- Gopalganj, District- Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyama Kant Singh, Advocate
For the Opposite Party/s : Mr. Kumar Veerendra Narayan,
APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-08-2019 Heard learned counsel for the petitioners and

learned APP for State.

The petitioners in this case are seeking anticipatory bail in connection with Complaint Case No. 673 (C) of 2016 registered for the offences under Sections 323, 406, 420, 341, 452, 380, 504 and 506 of the Indian Penal Code, Section 138 of N. I. Act and Section 27 of the Arms Act.

Learned counsel for the petitioners submits that the dispute in the present case is in the nature of civil dispute. He submitted that the allegations are against one Rabindra Patel who



had issued the cheque (Annexure '2') in favour of the complainant.

On the other hand learned counsel for opposite party no. 2 opposed the prayer of anticipatory bail of the petitioners on the ground that these petitioners along with others had gone to the residence of the complainant in connection with the sale of land and they made the complainant to believe that the cheque issued by Rabindra Patel who was among them would be honoured on presenting the same but when the said cheque was presented by the complainant, the cheque stood dishonoured for want of sufficient funds. In this manner the sale deed has been got executed by the complainant for the entire land without paying a single paisa. This amounts to grabbing the property of the complainant in conspiracy.

It is further submitted that these petitioners have got criminal antecedent as sated in paragraph '3' of the present application and further cognizance in this case was issued in the year 2016 where as the petitioners are moving this Court after about three years.

Learned APP appearing on behalf of the State has also opposed the prayer of anticipatory bail of the petitioners.

In the given facts and circumstances, considering that



these petitioners had been there with the signatory of the cheque and allegedly made the complainant to believe that the cheque will be honoured and on that belief the complainant executed the sale deed as also that the petitioners have got criminal antecedent and they are moving this Court after three years of the cognizance and issuance of summons/warrant, this Court is not inclined to grant privilege of anticipatory bail the petitioners above named. Prayer is thus, refused.

(Rajeev Ranjan Prasad, J)

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