

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54506 of 2018

Arising Out of PS. Case No.-26650 Year-2014 Thana- PATNA COMPLAINT CASE District-
Patna

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Ashutosh Kumar Vinayak S/o Late Manohar Prasad, R/o Vill.- Govindpur,
P.S.- Govindpur, District- Nawadah and Present of Road No. 3, Rajendra
Nagar, P.S.- Kadamkuan, Town and District- Patna, Pin Code -800016.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Shri Krishna Murari Gupta, S/o Late Hari Gupta, R/o W. Patel Nagar, Dr. B.
Battacharya Road, Nandini Path, P.S.- Shastri Nagar, Town and District-
Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Archana Mishra
For the Opposite Party/s : Mr.Sri Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 31-07-2019 Heard both sides.

The petitioner apprehends his arrest in Complaint case
No. 26650(C)/2014 registered under Section 406, 420, 467, 468,
471, 504 of the IPC.

The learned counsel for the petitioner submits that
prayer of petitioner for anticipatory bail was earlier rejected vide
order dated 03.05.2018 but the petitioner again moved for grant
of anticipatory bail on the ground that Ram Shobhit Das, the
landlord, was granted provisional bail by order dated
13.02.2018 passed in Cr. Misc. No. 6981 of 2017. The petitioner
has filed supplementary affidavit showing that Ram Shobhit Das
is ready to execute the sale deed. The land has been demarcated



by the Pleader Commissioner vide order dated 23.03.2019 and since the court is vacant the sale deed has not yet been executed.

The prayer of petitioner for anticipatory bail was earlier rejected on 03.05.2018 but the petitioner did not surrender in court. It was the petitioner who was middlemen between the purchaser and the landlord. The purchaser made specific allegation that it was the petitioner who received entire consideration amount and the amount for purchasing stamp. Ram Shobhit was granted provisional bail but he retracted from the compromise on such the prayer for anticipatory bail was rejected. If Ram Shobhit Das executes the sale deed, the petitioner may surrender and get regular bail.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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