

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33114 of 2019

Arising Out of PS. Case No.-134 Year-2019 Thana- DIGHA District- Patna

JHULAN RAI, aged about 53 years, Gender - Male, Son of Late Dukhharan Rai Resident of Mohalla-Digha, P.S.-Digha, District-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Rajendra Narain, Sr. Advocate
		Mr. Satyapal Singh, Advocate
For the Opposite Party/s	:	Mr.Lakshmi Kant Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 30-09-2019 Heard learned Senior Counsel for the petitioner and learned counsel representing the informant. No one appears on behalf of the State.

The petitioner, in the present case, is seeking anticipatory bail in connection with Digha P.S. Case No. 134 of 2019 for the offences under Sections 420/406/504/506/323/341/34 of the Indian Penal Code, pending in the court of learned Chief Judicial Magistrate, Patna.

Learned Senior Counsel for petitioner submits that it is a case of civil nature inasmuch as it will appear that the petitioner is said to have entered into an agreement to sell a piece of land against which it is alleged that the petitioner has received a sum of Rs. 40,00,000/- (Rupees Forty Lakhs) from the informant but later on alleging that there is a defect in title,



the informant called upon the petitioner to refund the entire amount, but then the amount was not refunded and the petitioner indulged in causing assault upon the informant.

Learned counsel for the informant has opposed the prayer for anticipatory bail of the petitioner, as according to him, this petitioner had given the informant to understand that the piece of land is his Katihani Land and against that the informant had agreed to purchase the same on payment of a sum of Rs. 50,00,000/- (Rupees Fifty Lakhs). However, after payment of Rs. 40,00,000/- (Rupees Forty Lakhs) when the petitioner was arrested one day while carrying on construction work besides the land it was revealed that this piece of land has been acquired long back by the Housing Board and the said plot is allocated for construction of a Police Sub-Station.

Learned counsel submits that it is evident from the fact that the petitioner had attempted to sell an acquired land and in the process has cheated the informant causing unlawful loss to him and the petitioner has unlawfully gain Rs. 40,00,000/- (Rupees Forty Lakhs).

In the given facts and circumstances of the case where there is an allegation that the petitioner has received a sum of Rs. 40,00,000/- (Rupees Forty Lakhs) by representing to the



informant that the piece of land belongs to him, but it is alleged that the same is an acquired land for the Police Sub-Station, I am not inclined to grant privilege of anticipatory bail to the petitioner.

The application is dismissed.

In case, the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today his prayer for regular bail shall be considered on it's own merit.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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