

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39053 of 2019

Arising Out of PS. Case No.-568 Year-2018 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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RAVINDRA SAHNI, Son of Late Nagina Sahni, Resident of Village-
Akhtiyapur, P.S.- Karja, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Ravindra Thakur, Son of Late Bindeshwari Thakur, Resident of Mohalla-
Soda Godom Laxmi Chowk, Barahampura, District- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar, Adv.
Mr. Raghwendra Pratap Singh, Adv.
For the Opposite Party No.2: Mr.Shishir Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 20-09-2019 Heard learned counsel for the petitioner and learned
counsel representing the opposite party no.2.

The petitioner in this case is seeking anticipatory bail
in connection with Complaint Case No.568 of 2018 registered
for the offences punishable under Sections 406, 420, 467, 468,
471, 120B/34 of the Indian Penal Code.

By order dated 26.06.2019, the petitioner was called
upon to make a statement as to whether he would be willing to
pay back the amount which he has received from the informant
promising the sale of land.

Mr. Alok Kumar, learned counsel representing the
petitioner submits that the petitioner would not be able to return



the amount. Learned counsel has further submitted that the amount has been forfeited, however, on the queries raised by this Court as to whether there was any clause under the agreement empowering the petitioner to forfeit the amount paid by the informant for purchase of land, learned counsel has fairly accepted that in the agreement at least there is no such provision.

Learned counsel for the informant submits that the petitioner had received all the payments mostly through RTGS and account payee cheques on the pretext of sale of land. Informant was made to pay a sum of Rs.46 lacs approximately but then by playing fraud upon the informant the petitioner has sold the land to some other persons and misappropriated the entire amount. It is also submitted that in fact now it has transpired that the petitioner had already sold this land prior to receiving money from the informant. Learned counsel for the informant has, therefore, opposed the prayer for anticipatory bail.

In the given facts and circumstances of the case, this Court would not be willing to grant privilege of anticipatory bail to the petitioner. This application is dismissed.

In case the petitioner surrenders in the court below



within a period of four weeks from today and prays for regular bail, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

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