

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40171 of 2019**

Arising Out of PS. Case No.-201 Year-2017 Thana- MUZFFARPUR
COMPLAINT CASE District- Muzaffarpur

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KAUSHLENDRA SHARMA Son of Sachchidanand Sharma Resident of Village - Haripur Krishna (Harpur Krishna), P.S.- Sakra, Dist.- Muzaffarpur at Present residing at Mohalla- Masaboni (Masbani) No. 1, P.S.- Mosabani, Dist.- Singhbhum East Jharkhand.

... .. Petitioner

Versus

1. The State of Bihar
2. Pankaj Kumar Singh Son of Ajay Kumar Singh Resident of Village - Narauli Sen, P.O.- Binda, P.S.- Masahari ,Distt. Muzaffarpur

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Rajesh Kumar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 26-08-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Section 406 of the Indian Penal Code registered in connection with Complaint Case No. 201 of 2017.

3. It is submitted that the petitioner has been falsely implicated in the backdrop of what is essentially in the nature of civil dispute relating to sale of land. It is submitted that the amount claimed to have been paid by the complainant by way of consideration money for sale of 94 decimals of land by the mother-in-law of the petitioner in fact represented the sale consideration paid by the complainant and his wife in the account of the petitioner in respect of sale of land by the petitioner's mother-in-law. The entire payment of Rs. 11,37,000/- by the complainant has been made prior to the execution of the



sale deed by the petitioner's mother-in-law on 28.03.2016. The petitioner had filed Complaint Case No. 240 of 2016 against the complainant under Section 138 N.I. Act in respect of a cheque of Rs. 1,00,000/- having bounced, and in retaliation that the present complaint has been filed. The petitioner claims clean antecedents.

4. Learned counsel for the Complainant appears and submits that the sale deed has been executed by the petitioner's mother-in-law after receipt of the entire consideration money of Rs. 31,02,000/- which was an entirely separate and distinct transaction than the present one. It is further submitted that the petitioner's stand is completely unbelievable that his mother-in-law would execute the sale deed upon receiving only Rs. 11,37,000/- out of the total agreed consideration amount of Rs. 31,02,000/-. No complaint has been filed by the petitioner's mother-in-law for non-payment of the remaining portion of the consideration money.

5. Having regard to the nature of accusations and the gravity of the offence alleged, this Court is not inclined to grant the privilege of anticipatory to the petitioner. The anticipatory bail petition stands dismissed.

(Vikash Jain, J)

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