

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70756 of 2018**

Arising Out of PS. Case No.-498 Year-2016 Thana- EAST CHAMPARAN
COMPLAINT District- East Champaran

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Manoj Kumar son of Late Shankar Rai, resident of Village- Gopalpur, P.S.-
Motihari Town, District- East Champaran.

... .. Petitioner

Versus

1. State Of Bihar
2. Smt. Anju Singh wife of Sri Rameshwar Prasad, resident of Village-
Gopalpur, P.S.- Motihari Town, District- East Champaran.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Umesh Chandra Verma, Advocate.

For the Opposite Parties: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 28-02-2019 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner apprehends his arrest for the

offences alleged under Sections 420 of the Indian Penal Code

registered in connection with Trial No. 40 of 2018 arising out of

C-498 of 2016.

3. It is submitted that the petitioner has sold land to

the complainant from his own share. In any event the dispute

relating to partition of property has been made the subject

matter of Civil Suit No. 387 of 2013 filed by the sister of the

petitioner. Moreover, no civil suit has been filed by the

complainant for setting aside of the sale deed alleged to have



fraudulently been executed.

4. This Court takes note that the petitioner had stated the details of two prior criminal cases in which he was made accused namely Town P.S. Case No. 180 of 1998 under Sections 307/34 of IPC and Section 27 of Arms Act and Town P.S. Case No. 131 of 2012 under Sections 389, 386 of IPC and Section 27 of the Arms Act. It is only after being pointed out by the stamp reporter, that the petitioner then mentioned the details of Motihari Town P.S. Case No. 437 of 2011 under Sections 420, 406 of IPC and Section 138 of N.I. Act, as the third case in which he had been made accused. In other words, but for the defect being pointed out, the petitioner may not have brought to the notice of this Court that he was made accused in a prior case involving offence under Section 420 of IPC as in the present case.

5. Learned counsel for the complainant appears and has been heard.

6. In the above circumstances, this Court is not inclined to consider the grant of privilege of anticipatory bail to the petitioner. The anticipatory bail petition stands dismissed.

(Vikash Jain, J)

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