

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43421 of 2018

Arising Out of PS. Case No.-432 Year-2017 Thana- KHAJANCHI HAT District- Purnia

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Dr. Asad Imam Son of Late Md. Atik, resident of Village- Naya Tola, P.S.
K.Hat Sahayak, District Purnea, Bihar.

... .. Petitioner/s

Versus

1. State Of Bihar and Anr
2. Rajendra Kumar Bhagat, S/o Late Bishwanath Pd. Bhagat, R/o Parvati
Hata P.S. K.Hat Sahayak, District Purnea Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Prince Kumar Mishra, Advocate
	:	Mr. Sanket, Advocate
For the Opposite Party/s	:	Mr. Sri Rana Randhir Singh, A.P.P.
For O.P. No.2	:	Mr. Radha Mohan Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

7 20-02-2019 Heard learned counsel for the petitioner as well as

the learned counsel for O.P. No.2.

This application has been filed for cancellation of

anticipatory bail of Opposite Party No.2 granted by this

Court vide order dated 21.11.2017 passed in Cr. Misc. No.

41988 of 2017 in connection with K.Hat (Sahayak) P.S. Case

No. 432 of 2017.

Learned counsel for the petitioner has submitted

that the petitioner has transferred Rs. 50 lakhs as advance

through RTGS in account of O.P. No.2 against consideration

amount of Rs. 1.50 Crore for the purpose of purchase of a

piece of land but the O.P. No.2 with intention to grab the



money of the petitioner has entered into an agreement to sell with one Mr. Vijay Kumar Das for another piece of land without consent of the petitioner, which is evident from Annexure-P/4. Earlier the O.P. No.2 has granted anticipatory bail on the ground of his submission made on affidavit that the O.P. No.2 has transferred the amount to others on different heads on the direction of the petitioner, which is evident from the order dated 21.11.2017, but the fact remains in this case is neither the petitioner has directed the O.P. No.2 to transfer any amount to anyone nor he has instructed that the agreement to sell be made in favour of O.P. No.2. Therefore, it can be said that the O.P. No. 2 has mislead the Court by making wrong submission on affidavit in order to obtain bail by this Court. Hence, the bail bond of O.P. No.2 may be canceled.

Learned counsel for O.P. No.2 has admitted that the O.P. No.2 has received Rs. 50 lakhs through RTGS from the petitioner for the purpose of purchase of a piece of land and submitted that the O.P. No.2 has transferred the amount to Deepak Kumar Sinha and others on the direction of the petitioner. The intention of O.P. No.2 is very much clear as the same is evident from the fact that he himself has filed



complaint under Section 420 and along side sections against said Deepak Kumar Sinha.

Learned counsel for the petitioner has controverted this fact and submitted that the aforesaid complaint case has been filed by the O.P. No.2 in order to save his skin and to give another move to this case because if the intention of O.P. No.2 would have been clean then he could have lodged the F.I.R. instead of filing the complaint.

The mere ground on which the O.P. No.2 was granted bail was that he transferred the amount to other on the direction of the petitioner whereas now the petitioner has given statement on affidavit that he never directed the O.P. No.2 to transfer the amount to anyone.

In view of the rival submission of the parties, this Court finds it a fit case for cancellation of bail of O.P. No.2 granted vide order dated 21.11.2017 in Cr. Misc. No. 41988 of 2017 and it is accordingly cancelled. Accordingly, this application is allowed.

(Arvind Srivastava, J)

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