

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52137 of 2019

Arising Out of PS. Case No.-74 Year-2018 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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MD. JAKIR @ JAKIR HASNAIN @ JAKIR HUSSAIN Son of Md. Tahir
Resident of Village - Nanpur, P.S.- Nanpur, District- Sitamarhi

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. Md. Gulab Son of Md. Faruk Resident of Village - Nanpur, P.S.- Nanpur,
District- Sitamarhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 04-11-2019 This application, for grant of anticipatory bail, arises
out of Complaint Case No. C1/74/2018, disclosing offences under
Sections 420/34 of the Indian Penal Code.

Prosecution case is that there was talk between the complainant and other accused persons including petitioner for sale of six and half decimals of land on consideration of Rs. Twenty Two Lakhs, out of which, the complainant has given Rs. Four Lakhs to other accused persons and Rs. Seven Lakhs to the petitioner but they did not execute the sale deed to the complainant rather sold the part of the land to some other lady and the petitioner is not returning the amount.

Submission of learned counsel for the petitioner is that no chit of paper has been brought on record by the complainant showing



the payment of Rs. Seven Lakhs and as the complainant was not paying the amount for purchase of land and as the petitioner was in need of money, he sold the part of the land to some other person.

Heard learned A.P.P. as well as learned counsel for the complainant. They have opposed the prayer for bail. Learned counsel for the complainant has drawn the attention of this court towards the counter affidavit to show that in the agreement, the payment of Rs. Seven Lakhs by the complainant to the petitioner has been mentioned and in spite of taking money, he sold the part of land to some other person.

Having heard both sides, considering the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather petitioner should surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case, without being prejudiced by this order.

This application is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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