

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53067 of 2019

Arising Out of PS. Case No.-439 Year-2016 Thana- COMPLAINT CASE District- Jamui

PINTU KUMAR GUPTA Son of Late Radhika Prasad Gupta Residence of
Mohalla - Babubank Ward No. 11, P.S. - Jhajha, District - Jamui.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Kamal Kishore Burnwal Son of Brahmdeo Lal Burnwal R/o Purani Bazar,
Bajranj Chauk, Jhajha, P.O. and P.S. - Jhajha, District - Jamui.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar Sinha
For the Opposite Party/s	:	Mr.Madhuri Lata
For O.P. No. 2	:	Mr. Akash Raj

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 18-12-2019 This application, for grant of anticipatory bail,

arises out of Complaint Case No. 439C of 2016, disclosing

offences under Section 420 of the Indian Penal Code.

As per F.I.R, there is allegation against the petitioner
that a talk was made with respect to sale of house of the
complainant on Rs. Eight lakhs and Rs. Four lakhs were given
as advance but thereafter, he started requesting to execute the
sale deed but sale deed was not executed lastly the petitioner
gave a cheque of Rs. Four Lakh to the complainant but the same
could not be encashed as the petitioner has stopped payment
over the said cheque.

Submission of learned counsel for the petitioner is



that there is no chit of paper in support of contention that he has taken Rs. Fourt Lakhs from the complainant and further the case is civil in nature.

Heard learned A.P.P. also and learned counsel for the complainant. They have opposed the prayer for anticipatory bail of the petitioner on the ground that in spite of taking money, the petitioner did not execute the sale deed and after issuing cheque, stopped the payment on the cheque, which shows his criminal intent.

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 has to 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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