

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53027 of 2019

Arising Out of PS. Case No.-295 Year-2017 Thana- JAKKANPUR District- Patna

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KISHAN SRIVASTAVA @ KISHAN KUMAR SRIVASTAVA Son of -
Yogender Srivastava, Resident of- House of Amarendra Kumar, Ashok Nagar,
Ward no. 9A, P.S.- Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surya Swetabh

For the Opposite Party/s : Mr.Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 06-11-2019 This application, for grant of anticipatory bail,

arises out of Jakkanpur P.S. Case No. 295 of 2017, disclosing

offences under Sections 406, 409, 420/34 of the Indian Penal

Code.

As per F.I.R, informant was interested in purchasing a
piece of land and in that connection, she met with one Ranjit
Pratap Singh. It further appears that he shown some land to the
informant but as she did not have sufficient money for the
purpose, she stated this fact to the Ranjit Pratap Singh, who told
that he knew one person, namely, Kishan Srivastava
(petitioner), who could get her loan granted for the purpose.
The informant met with the petitioner, who shown some land to
the informant in Parsa Bazar and told her that the consideration



amount of the land is Rs. Eleven Lakhs and, thereafter, informant told that she did not have money to purchase the land and offered to sale her land situated at Nadma. Petitioner agreed to buy the land of informant situated at Nadma and consideration amount was fixed at Rs. Eight Lakhs and petitioner told her to give the money through Bank transfer. It is also alleged that petitioner told the informant to get the loan sanctioned from HDFC bank, Exhibition Road Branch and asked the informant for three cheques for opening the Bank account of the informant. Thereafter, the informant asked his son in law, who gave three cheques to petitioner and son in law of the informant transferred Rs. 1,01,000/- in his newly opened bank account in HDFC Bank. Informant said to have met one Ajit Kumar in the HDFC Bank, who helped her in getting the bank account opened and petitioner has given his mobile number to the bank and when informant asked for her passbook, the same was not given to her and she had not received any document with respect to her bank account and when informant met with Ajit Kumar, he told that he has given entire document to petitioner. In the meanwhile, the father of petitioner got a sale deed in respect of land of informant measuring 16 dhur, 11 dhurki by paying an amount of Rs. 4,00,000/- through cheque in



the name of the son in law of the informant. The informant said to have given Rs. Two Lakh to Ajit Kumar for depositing the same in her HDFC bank account, which, he alleged to have not deposited. Thereafter, informant deposited Rs. 49,000/- on 11.04.2016, Rs. 49,000/- on 12.04.2016 and Rs. 86,500/- on 13.04.2016 in her HDFC Bank account and it is alleged the petitioner, his father and Ajit Kumar in conspiracy with each other withdrew Rs. 8,000/- and Rs. 10,01,1,000/- from the account of son in law of the informant and when her son in law asked for returning the money, accused persons alleged to have assaulted and threatened him.

Submission of learned counsel for the petitioner is that entire is allegation is false and concocted and the same does not appear to be probable and he has falsely been implicated in this case.

Learned counsel for the State opposed the prayer for bail and submitted that there is direct allegation against the petitioner. Moreover, petitioner were earlier given benefit of Section 41(A) Cr.P.C. by the police.

Having heard both sides, considering the facts and circumstances, 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 and also after considering the fact that petitioner was earlier given the benefit of Section 41(A) Cr.P.C., by the police, which he has not misused, without being prejudiced by this order.

This application is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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