

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56374 of 2019

Arising Out of PS. Case No.-315 Year-2019 Thana- BETTIAH CITY District- West
Champaran

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1. Sk. Jalil @ Jalil Mian Son of Late Shaukat Ali Resident of Village - Parsa, P.S.- Majhulia, District - West Champaran.
 2. Nasir Alam Son of Sk. Jalil @ Jalil Mian Resident of Village - Parsa, P.S.- Majhulia, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mukesh Kumar Yadav, s/o Mahanth Yadav, r/o East Banuchhopar, Ward No.13, P.S. Banuchhopar (O.P.), Bettiah Mofasil, Dist. West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra
For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 18-11-2019 Petitioners seek bail in anticipation of their arrest in connection with Bettiah Town P.S. Case No. 315 of 2019 registered for the offences punishable under Sections 420 and 406 of the Indian Penal Code.

As per written report wife of petitioner No.1 executed a power of attorney in favour of informant for selling and purchasing of some land and thereafter there was talk for selling of a piece of land for a consideration money of Rs.32 lac, out of which Rs.16 lac was given in advance which was counted by the petitioners and the same was kept and an agreement was made and when the person who has purchased the same had gone for



taking possession over the same he came to know that the land has already been sold in the year 1996, as such petitioners and wife of petitioner No.1 cheated the informant and misappropriated the amount of Rs.16 lac.

Submission of learned counsel for the petitioners is that power of attorney was in between wife of petitioner No.1 and the informant and petitioners are nowhere in picture and furthermore no complaint was filed by the person who has purchased the same and the same has been lodged by the complainant/informant and petitioner No.1 is named in the power of attorney and petitioner No.2 is only a signatory on the power of attorney.

Heard learned APP and learned counsel for the informant, who has opposed the prayer for anticipatory bail on the ground that in the agreement there is signature of wife of petitioner No.1 as well as petitioner No.2 also which will show that petitioners have full knowledge that the land has already been sold and got the land sold through power of attorney holder, as such the present case has been lodged.

In view of above facts and circumstances, I am not inclined to grant the privilege of anticipatory bail to the petitioners. They have to surrender and pray for regular bail,



which shall be considered on its own merit, without being prejudiced by this order.

This application is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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