

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64973 of 2019

Arising Out of PS. Case No.-755 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

RAJEEV KUMAR @ RAJIV KUMAR son of Virendra Pandey Resident of
Village- Shahbajpur, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Bela Singh

For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 20-11-2019 Petitioner seeks bail in anticipation of his arrest in connection with Ahiyapur P.S. Case No. 755 of 2019, corresponding to G.R.No. 3376 of 2019, registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code, pending in the court of Chief Judicial Magistrate, Muzaffarpur.

As per FIR there was talk of sale of the land of one Kailash Mahto between petitioner and informant for Rs.2 lac per kathha and Rs.5,70,000/- was given by the informant to the petitioner but he has not executed sale deed nor returned the amount.

Submission of learned counsel for the petitioner is that FIR itself shows that there was an agreement that if within time the total amount is not deposited the whole amount is forfeited and in the meantime after Panchayati petitioner has returned the amount not to the informant but son-in-law of the informant and as such there is no case against him.



Heard learned APP and learned counsel for the informant, who has opposed the prayer for anticipatory bail on the ground that evidence has come during investigation which disclosed that before police petitioner had admitted that he will get sale deed executed with respect to the land and he has not taken any plea that he has returned the money and now he has taken such plea. Further submission is that return of the amount to the son-in-law of the informant is concerned, there was an agreement for sale of land to the son-in-law also and for that the amount was returned to the son-in-law and the same is not in connection with the present case.

In view of above facts and circumstances, let petitioner 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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