

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73950 of 2018

Arising Out of PS. Case No.-97 Year-2017 Thana- NALANDA District- Nalanda

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Pappu Kumar Son of Vinay Prasad, Resident of Village/Mohalla- Murarpur,
Police Station- Laheri, District- Nalanda.

... .. Petitioner

Versus

1. The State Of Bihar
2. Kedar Prasad, S/o Late Biraspat Mahto, Village/Mohalla-Bharaopar, P.S.
Laheri, Biharsharif District-Nalanda.

... .. Opposite Parties

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Appearance :
For the Petitioner/s : Dr. Ajeet Kumar
For the Opposite Party/s : Mr. Ram Sevak Choudhary
For the Informant : Mr. Surendra Kishore Thakur

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

18 28-08-2020 Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel for the informant

through video conferencing.

The petitioner seeks pre-arrest bail in connection
with Nalanda P.S. Case No. 97 of 2017 registered for the
offences punishable under Sections 406, 420, 467 and 468 read
with 34 of the Indian Penal Code.

Learned counsel for the petitioner submitted that
the petitioner is a broker of real estate. He had taken Rs.
6,50,000/- (Six lacs fifty thousand) from the informant for
transfer of a piece of plot, but due to some dispute, the
registration could not be effected. By now, the petitioner has



already returned Rs. 5,00,000/- (five lacs) to the informant and he is willing to return the rest amount to the tune of Rs. 1,50,000/- (One lac fifty thousand). He contended that the dispute is predominantly of civil nature which has been given a colour of criminal case just to extract money from the petitioner.

Per contra, learned counsel appearing for the informant submitted that on 20.03.2017, one Jai Prakash Prasad, Pappu Kumar (petitioner) and Md. Sah Nawaj Khan came to the informant for *bai-beyana* of land situated at Mauza Surajpur admeasuring approximately 1209 decimal. The petitioner and Jai Prakash Prasad were paid Rs. 29,66,000/- (Twenty nine lacs sixty six thousand) as advance. Apart from the aforesaid 29,66,000/-, Rs.10,00,000/- (Ten lacs) was paid to the informant on 22.05.2017, but the same was not entered into the agreement paper. However, at the time of measurement of the land, it came to light that the land is disputed and the petitioner and Jai Prakash Prasad had no authorization from the land owner to deal with his land. He contended that the alleged action on the part of the petitioner is clearly a case of cheating and criminal breach of trust. He disputes the fact that any amount had ever been returned by the petitioner to the informant.

Considering the facts and circumstances of the case



and the allegations made in the first information report, I am not inclined to grant pre-arrest bail to the petitioner. The application is rejected.

In case, the petitioner surrenders and seeks bail, the same shall be considered and disposed of on its own merits without being prejudiced in any manner by this order.

Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my email by the Senior Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my email id to the Senior Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let a copy of the order be sent to Dr. Ajeet Kumar,



learned counsel for the petitioner also on his email.

- (v) Let steps be taken by the Senior Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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