

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19470 of 2022**

Arising Out of PS. Case No.-114 Year-2020 Thana- ISHAKCHAK District- Bhagalpur

Diwakar Mishra Son of Late Narsingh Mishra @ Late Narasinh Mishra
Resident of Mohalla- Janta Flat No.20, Barari Housing Board Colony, P.S.-
Barari, District- Bhagalpur. Permanent resident of village- Kundi, Brahman
tola Gogri, P.S.- Gogri, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER**

9 21-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Ishakchak P.S. Case No. 114 of 2020 lodged under Sections 406,
420 467, 468 of the I.P.C.

As per the prosecution case, the F.I.R. has been
lodged against sole accused person who is alleged to accept
Rs.14,51,000/- as an advance to sell land. On the date of sale for
agreement, the acceptance has been made by the accused
himself. But subsequently, when the informant requested to take
the rest money and sell the land, the petitioner refused and
instead of returning Rs.14,51,000/- the check of Rs. 4 lac has
been given which was bounce back.

Learned counsel for the petitioner submits that petitioner's financial condition is not good and he has refused to return the said money. Learned counsel submits that there are 3 criminal antecedent of the petitioner and he is not on bail. He submits that petitioner is in custody since 06.10.2020.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that petitioner is a cheater and informant is not only the victim rather the other 3 cases pending are also victims and hand of the petitioner. Upon specific query whether charge has been framed or not, learned counsel submits that till date charge has not been framed.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected but liberty is hereby granted to the petitioner that he may renew his prayer for bail 6 months after framing of charge.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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