

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34075 of 2021

Arising Out of PS. Case No.-91 Year-2020 Thana- INDUSTRIAL District- Bhagalpur

NAVIN KUMAR @ NAVIN KUMAR RAGHUVIR SON OF RAJENDRA
MANDAL Resident of Village - Jhurkhuria, P.S.- Industrial Area, Distt.-
Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sourendra Pandey, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 26-07-2022 Learned counsel for the petitioner is directed to remove
all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner as well as learned
APP for the State.

The petitioner apprehends his arrest in connection with
Industrial P.S. Case No. 91 of 2020, registered for the offences
punishable under Sections 406, 420, 341, 323, 354, 34 of the Indian
Penal Code.

As per allegation, the informant Sunita Kumari contacted
the petitioner and she expressed her desire to purchase one kattha
land. The petitioner at the instance of co-accused Sunil Kumar
executed a sale deed and consideration money of Rs. 3,80,000/- was
paid. Instead of executing the sale deed by himself petitioner Naveen
Kumar executed the sale deed through co-accused Sunil Kumar.



Since the petitioner did not execute the sale deed as such he issued a cheque of rupees three lacs in favour of the informant which was dishonoured by the bank. When the informant went to demand her money the petitioner and co-accused persons assaulted and snatched her bag.

Learned counsel for the petitioners has submitted that it is a case of civil dispute. Co-accused Sunil Kumar Das executed the sale deed in favour of the informant but the petitioner is real owner of that land. Learned counsel for the petitioner has submitted further that the cheque was issued under compulsion. The police at the instigation of the informant made pressure upon the petitioner to issue a cheque in favour of the informant. Xerox copy of the complaint petition is annexure-2.

On the other hand, learned Addl.P.P. Sri Shailendra Kumar, has submitted that witnesses in paragraph No. 8 and 9 of the case diary have supported the fact that the petitioner has received money from the informant to which the learned counsel for the petitioner submits that they are interested witnesses.

The FIR shows itself that there is allegation that the petitioner received money he issued a cheque since he failed to execute sale deed and it was dishonoured. When the informant went to demand her money she was badly assaulted by the petitioner.

Considering the above-mentioned facts and circumstances, the petitioner does not deserve the privilege for



anticipatory bail. Accordingly, it is rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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