IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10238 of 2023

Arising Out of PS. Case No.-8 Year-2020 Thana- RAXAUL District- East Champaran

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RAMJI MASKARA @ RAMJI PRASAD MASKARA SON OF RAMESHVAR LAL R/O VILLAGE/MOHALLA- HANDI BAZAR PATEL PATH, RAXAUL, P.S.- RAXAUL, DISTRICT- EAST CHAMPARAN (BIHAR)-845305

... ... Petitioner/s

Versus

1. State of Bihar BIHAR
2. AJIT KUMAR @ MONU SHUKLA SON OF AJAY KUMAR SHARMA R/O MOHALLAH- SHUKLA COLONY, LAXMIPUR, P.S.- RAXAUL, DISTRICT- EAST CHAMPARAN, PIN- 845304, (BIHAR)

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Apurva Kumar , Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar Singh, APP
For the Informant	:	Mr. Suraj Kumar Tiwari , Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

6 10-08-2023 Heard learned counsel for the petitioner and the State.

2. Petitioner apprehends arrest in a case registered for the offence punishable under section 406, 420, 504 and 506 of the Indian Penal Code .

3. It is alleged that this petitioner entered into an agreement for a sale of piece of land but after receiving advance

money he refused to execute the land in question in favour of the informant.

4. It is submitted that the allegation levelled against the petitioner is false and concocted. Petitioner has never received any single penny from the informant. As a mattter of fact, it was informant who cheated the petitioner and informant is habitual offender and has got four criminal antecedent of similar nature. Moreover, it is purely a dispute of civil nature.

5. Learned counsel for the informant and State opposes the prayer for bail and submits that pursuant to agreement informant paid 15 lakh in cash to the petitioner at his residence and then Rs. 12 Lakh was paid by the informant through his associates bank account and this fact is mentioned in paragraph 4 of the counter affidavit. It is further submitted that on 09.08.2018, the informant paid the amount of Rs. 2,50,000/- from his HDFC account bearing account No . 03441530009965 to the petitioner in his ICICI Bank account bearing Account No . 162101501575 and amount of Rs. 5,00,000/- transferred thoiurhg RTGS by his associates namely Chandra Kala Devi by her SBI account to the petitioners account. Thus, after receiving almost the entire amount petitioner refused to execute the land in favour of the informant.

6. Considering the nature and gravity of allegation, prayer for pre-arrest bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

Kaushik/-

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