

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19310 of 2023

Arising Out of PS. Case No.-300 Year-2018 Thana- MAHUA District- Vaishali

HARIBANSH NARAYAN SINGH @ HARIVANSH NARAYAN SINGH
S/O LATE SHIV SAGAR SINGH R/O VILLAGE- NIJAMA MADHOPUR,
P.S- MAHUA, DISTT.- VAISHALI, AT PRESENT VILLAGE-
YUSHUFPUR, P.S- GAIGHAT, DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prem Shankar Kumar S/o Jai Mangal Prasad Village Mahua Singh Rai, P.S.
Mahua District Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate
For the Opposite Party/s : Mr. Rajeev Nayan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-09-2023

1. Heard learned counsel for the parties.

2. The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Mahua P.S. Case no. 300 of 2018 registered under sections 420, 467, 468, 323, 504, 506, 379 and 34 of the Indian Penal Code.

3. As per the prosecution case, an agreement was entered into between the wife of the informant and the wife of the petitioner. Pursuant to the agreement, the wife of the informant paid a sum of Rs. 20 lacs as advance to the wife of the petitioner, however, as agreed upon, the sale deed was not executed and now the amount is not being returned.

4. Learned counsel for the petitioner submits that



from the contents of the FIR itself it would transpire that the agreement is not with the petitioner but with the wife of the petitioner who has expired. The case is purely a civil dispute for which the wife of the informant has already filed a title suit. The petitioner has no criminal antecedent.

5. The application for the bail is opposed by learned counsel for the State and learned counsel for the informant. Learned counsel for the informant submits that it is not in dispute that the amount of Rs. 20 lacs was paid by the wife of the informant to the wife of the petitioner. He submits that the wife of the petitioner having died, the amount is available with the petitioner and it was for him to return the said amount to the informant's wife.

6. Having heard learned counsel for the parties and taking into consideration the allegations made in the FIR together with the material that has transpired in course of investigation, the FIR being of the year 2018 and the prayer for anticipatory bail having been made after an unexplained delay of four years, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

Prakash/-

U			
---	--	--	--

