

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29899 of 2023

Arising Out of PS. Case No.-582 Year-2022 Thana- BARACHATTI District- Gaya

Deepak Kumar @ Pappu @ Pappu Yadav, Son of Sadhu Yadav, Resident of
Village - Pathara, P.S. - Mohanpur, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Vaishnavi Singh, Advocate
For the State	:	Mr. Bharat Lal, APP
For the Informant	:	Mr. Madhukar Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Barachatti (Mohanpur) P.S. Case No. 582 of 2022 registered for the alleged offences under Sections 406, 420, 467 and 468 of the Indian Penal Code.

3. As per prosecution case, the petitioner and co-accused approached the informant and induced her to purchase of a piece of land and an agreement of sale was entered by them. Pursuant to the agreement, Rs. 20,00,000/- was transferred to the account of this petitioner and rest amount of Rs. 4,00,000/- was to be paid at the time of registration of the land. However, later on the informant came to know that the land for which



agreement of sale was made did not belong to either the petitioner or the co-accused but it was owned by some other person. In this way the petitioner and co-accused cheated Rs. 20,00,000/- from the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The true facts of the case are that the family of the informant as well as the family of the petitioner have good relationship. The informant was in need of money and on her asking, the petitioner transferred Rs. 1,00,000/- in her account. Petitioner is a contractor and he uses to construct building and the informant requested the petitioner to construct her house. The petitioner started the construction work after collecting all articles like bricks, rods, cement and stone chips etc. While the work was in progress and measurement was done and it was found that the work was completed for an amount of Rs. 25,00,000/- which the petitioner invested in construction of the house, the informant made the payment of Rs. 20,00,000/- to the petitioner. When the petitioner demanded balance amount of Rs. 5,00,000/-, the informant refused to pay the same. The informant threatened the petitioner and with the help of others assaulted the petitioner and snatched the money from him. For



this occurrence the petitioner has lodged a complaint case bearing Complaint Case No. 432 of 2022 before the court of learned Additional Chief Judicial Magistrate, Sherghati, Gaya. Learned counsel further submits that as the informant says she came from Mumbai to Gaya to sale the land so there was no occasion for purchasing the land. The deed of agreement of sale is a forged and manufactured document and the petitioner has not signed over any such agreement. Thus, the petitioner deserves to be enlarged on anticipatory bail since it is outrightly a false case.

5. Learned APP as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the complaint case is an afterthought and the process of complaint case was issued after lodging of the FIR by the informant and it cannot be said that the FIR was lodged as a counter-measure. Learned counsel further submits that there is nothing on record to show that the informant intended to construct a house and it is not believable that the informant who has been staying in Mumbai and would come to Gaya and ask the petitioner to construct a house. The petitioner has lodged the complaint case in order to save himself from the case lodged by the informant.



6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the serious nature of allegation against the petitioner, I do not think it is a fit case for grant of anticipatory bail.

7. Hence, his prayer for anticipatory bail is rejected.

(Arun Kumar Jha, J)

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