

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34995 of 2023

Arising Out of PS. Case No.-934 Year-2022 Thana- GAYA MUFASIL District- Gaya

Mithlesh Kumar Son Of Late Chunni Lal Village- Nauranga Ps- Mufassil,
Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Ms. Vaishnavi Singh
For the Opposite Party/s :	Mr. Arun Kumar Pandey
	Mr. Navin Kumar
	Mr. Anup Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 18-09-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State assisted learned counsel for the

informant.

2. The petitioner apprehends his arrest in Mufassil
P.S. Case No. 934 of 2022 registered for the offences punishable
under Sections 406, 420 of the Indian Penal Code pending in the
Court of learned Judicial Magistrate 1st Class, Gaya.

3. The allegation against the petitioner is that he
took consideration money from the informant to register a land
but till today neither he executed the land in favour of the
informant nor money has been returned by him.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in this
case. The allegation levelled against the petitioner is not
specific rather general and omnibus in nature. He submits that
the petitioner has never entered into any agreement with the



informant for sale of any of his land. He further submits that there is no any evidence of any transaction between the informant and the petitioner. The petitioner has no criminal antecedent as mentioned in para-3 of the bail application.

5. Learned APP for the State and learned counsel for the informant oppose prayer for anticipatory bail and submit that the petitioner has already sold the said land to another person and knowing this fact that he has sold his land, he made an agreement with the informant. Learned counsel for the informant further submits that the informant and the petitioner are family members. The informant is a widow and the petitioner is *Devar* of the informant.

6. Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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