

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53600 of 2022

Arising Out of PS. Case No.-1519 Year-2021 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

=====

KANWAR MAHTO ALIAS UMESH KUMAR SON OF JAGDAMBI
MAHTO R/O VILLAGE- NAGDAH, P.S.- MUFFASIL, DIST.-
BEGUSARAI

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. RAM BABU SINGH SON OF LATE MAHENDRA SINGH R/O
VILLAGE- PACHAMBHA, P.S.- MUFFASIL, WARD NO. 17, DIST.-
BEGUSARAI

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-01-2023 Heard learned counsel for the petitioner and the

State.

The petitioner apprehends his arrest in connection
with Complaint Case No. 1519 C of 2021 for the offence
registered under Sections 405 and 504/34 of the Indian Penal
Code.

As per the prosecution story, the complainant alleged
that she possessed the land which was sold to the accused
persons for consideration amount of Rs. 32 lakhs, negotiation of
which was made through the petitioner and the money was to be
transferred in the State Bank of India's account. However,



despite the execution of sale deed, the money did not come to the account and in between in the name of updating the passbook, the same was taken and even the six lakhs that was in his bank account was withdrawn. Later, upon approaching the accused persons including the petitioner, the informant was abused and assaulted.

Learned counsel for the petitioner submits that he is only a witness to the said execution of sale deed and have no role to play in the matter as also the withdrawal has been made by Amit Kumar. The last submission is that some of the similarly situated co-accused persons have been granted the privilege of anticipatory bail by the subordinate Court itself.

Learned APP for the State, on the other hand, opposes the prayer for bail and submits that he is the master mind behind the entire transfer of land from the informant to the accused without the complainant receiving any penny as also withdrawal of the amount from his bank account.

Taking into account the kind of allegation that has come in the complaint against the petitioner which led to him loosing him Rs. 32 lakhs in the process, this is not a fit case for extending the privilege of anticipatory bail which is accordingly rejected.



However, if the petitioner surrenders before the concerned Court within a period of four weeks from today and prefers bail application along with the documents that show his innocence, the same shall be taken up and disposed of without being prejudiced by the observation made herein.

(Rajiv Roy, J)

Jagdish/-

U		T	
---	--	---	--

