

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54799 of 2023

Arising Out of PS. Case No.-425 Year-2023 Thana- BIHTA District- Patna

Subhash Prasad Yadav Son of Late Shiv Prasad Yadav @ Shiv Prasad Choudhary, Resident of village - Vidhayak Colony, Kautilya Nagar, P.S. - Hawai Adda, Distt. - Patna. Former member, Rajya Sabha

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avanish Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-08-2023 Heard learned Counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Bihta P.S. Case No. 425 of 2023 dated 04.05.2023, lodged under Sections 447, 448, 341, 342, 323, 384, 386, 406, 420, 506 and 120(B) of the Indian Penal Code.

3. As per prosecution case, the father of the informant entered into an agreement for selling of land for a period of 3 months with Arun Kumar @ Munshi @ Mukhiya but neither paid consideration money nor returned agreement paper. Thereafter, the mother of the informant sold the said land in favour of petitioner's wife Renu Devi. The petitioner told the informant on a call to come with his mother and brother at his residence saying Arun Kumar @ Munshi @ Mukhiya is sitting there, when he reached there the petitioner said that return my

total money and I will return your land on which Arun kumar @ Mukhiya also agreed. Petitioner threatened him to capture his mother and brother and sent him back on gun point with three men and took Rs. 60,50,000/- from him, when informant demanded in writing then the petitioner threatened him to shoot, if he disclosed the matter to anyone.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that the entire case is doubtful as the present case has been lodged after more than two years from the date of occurrence, without there being any explanation for the delay. Counsel also submits that it is an admitted fact that the informant's mother Meena Devi executed a sale deed in favour of the petitioner's wife of her own free will. Counsel further submits that the allegation of the informant appears incoherent and untrustworthy. It is difficult to digest that a person would keep such huge amount of money (Rs.60,50,000/-) in cash in his house.

5. Learned A.P.P. for the State opposes the prayer for bail.

6. Considering aforesaid facts and nature of allegation against the petitioner, this Court is not inclined to extend the

privilege of anticipatory bail to the petitioner in connection with Bihta P.S. Case No. 425 of 2023 to the satisfaction of learned ACJM-I, Danapur.

7. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

8. If the petitioner surrenders within a period of six weeks from today then upon surrender, the trial Court shall pass order on same date without prejudice from the rejection order passed by this Court.

(Dr. Anshuman, J.)

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