

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53625 of 2022

Arising Out of PS. Case No.-319 Year-2021 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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NILAMBAR KUMAR SAH @ NILAMBER SAH S/o Bouvan Sah Resident
of Village- Basaith, P.S.- Benipatti, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar, Advocate
For the Opposite Party/s : Mr.Bharat Lal, APP

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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 C.R. No. 319 of 2021 for the offence registered under
Sections 420, 468, 406 and 34 of the Indian Penal Code.

As per the prosecution story, the petitioner along with
co-accused took 10 lakhs from the complaint whereafter he was
taken to the registry office, document was prepared, signatures
taken and Rs. 10 lakhs paid. Thereafter, sweets were also
distributed. However, when the complainant wanted the
physical possession of the land as also wanted to put boundary
wall on it, the same was always avoided. Later, he went to
Chennai and upon return, found that one Roushan Kumar Sahu



had already acquired the said land and constructed house.

Having felt cheated, the complainant wanted Rs. 10 lakhs and Rs. 80,800/- (as registration cost) but the same was refused, forcing him to prefer the complaint.

Learned counsel for the petitioner submits that before this complaint, his wife had already made prayer before the Sub Division Officer, Bennipatti against Vinod Yadav and Dharmendra Sha that they are trying to disturb her peaceful possession of the land.

Be that as it may, there is direct allegation against the petitioner of taking Rs. 10 lakhs and later failed to transfer the land to the complainant as also chose not to give physical possession, certainly, this is not a fit case for extending the privilege of anticipatory bail, which is accordingly rejected.

(Rajiv Roy, J)

Jagdish/-

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