

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17442 of 2024

Arising Out of PS. Case No.-775 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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Sarwan Kumar@Sharvan Kumar SON OF RAMESH CHANDRA MAHTO
RESIDENT OF VILLAGE- SHAHAR RAMPUR, PS- NAUBATPUR,
DISTT- PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. RAVI SAO @ RAVI KHARU SAO SON OF KHARU SAO RESIDENT OF
VILLAGE- GORELA, PO- RAMBOX JAIPUR, PS- NAUBATPUR,
DIST- PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Dr. Manoj Kumar, Advocate
For the Opposite Party/s :	Mr. Pradeep Narain Kumar, APP
	Mr. Navin Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-08-2024 Heard learned counsel for the petitioner, learned APP

for the State and the learned counsel appearing on behalf of the

O.P. No.2.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 419, 420, 406, 120(B) and 34 of the IPC in connection
with Complaint Case No.775C of 2021.

3. The learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that petitioner is a land broker and he assured the
complainant that he would get him a piece of land for which an



agreement was entered, thereafter, on 01.02.2020 complainant paid an amount of Rs.5,00,000/- in cash and through RTGS, but then neither the sale deed was executed nor the money was returned nor the legal notice sent by the complainant was replied by the petitioner.

4. The learned counsel submits that petitioner has been falsely implicated in the instant case. It is next submitted that no doubt petitioner accepts that he had received an amount of Rs.5,00,000/-, but then he has returned Rs.4,00,000/- and only Rs.1,00,000/- is due, as such the instant complaint case has been instituted only with a view to recover the monetary dues and the criminal Courts are not meant to act like recovery agents.

5. The learned counsel appearing on behalf of the O.P. No.2 submits that complainant had paid the amount through RTGS and cash, but then it has been submitted on behalf of the learned counsel appearing on behalf of the petitioner that petitioner returned an amount of Rs.4,00,000/- through cash, but then it is submitted that from perusal of the pleadings made in the anticipatory bail application it would manifest that the same does not even remotely suggest that Rs.4,00,000/- in cash was returned. The learned counsel further submits that not a single



penny has been returned and the petitioner has cheated the complainant.

6. On query of the Court the learned counsel for the petitioner submits that there is no documentary evidence to substantiate that Rs.4,00,000/- in cash was returned to the complainant.

7. Considering the submissions made by the learned counsel appearing on behalf of the O.P. No.2, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner, accordingly, the anticipatory bail application is rejected.

(Satyavrat Verma, J)

Prakash Narayan

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