

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23590 of 2024

Arising Out of PS. Case No.-1684 Year-2022 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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ARVIND KUMAR SINGH S/O LATE JAGDISH PRASAD R/O VILLAGE-
SHARSOINA, P.S- N.H. BANGRA, DISTRICT.- SAMASTIPUR.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. MAHENDRA SINGH @ MAHENDRA PRASAD SINGH S/O DASAI
PRASAD SINGH R/O VILLAGE- ASHA DADARI, P.S- N.H. BANGRA,
DISTT.- SAMASTIPUR.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar No1, Advocate
For the Opposite Party/s	:	Mr. Ram Bilash Roy Raman, APP
For the Informant	:	Mr. Bijay Bhushan Prasad, Advocate
		Ms. R.S Bharti, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 26-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with C.R no. 1684 of 2022 (Tr. no. 932 of 2023) wherein cognizance has been taken under section 420 of the Indian Penal Code and section 138 of the Negotiable Instrument Act.

3. As per the prosecution case, it is stated by the complainant that with respect to the land in question, the petitioner had sold 10 kathas of land on an earlier occasion.



With respect to the remaining land, after leaving areas for common road etc., the lands were divided in plots with each plot measuring about 10 dhurs. Two plots were retained by the accused persons. So far as the remaining plots were concerned, an agreement was entered into between the complainant and the accused that as and when the amounts for the respective plots are deposited, sale deeds would be executed in their favour. An amount of Rs.1 lakh was given on 7.2.2021 while the remaining Rs. 21,47,000/- was given on 13.11.2021. Different amounts were transferred in different accounts as has been narrated in detail in the complaint. The accused inspite of repeated assurances did not execute the sale deeds and kept stating that the entire amount of Rs. 40 lakhs be deposited and then all the sale deeds would be registered on the same day. On the sale deeds not being registered, the amount was asked to be returned. Thereafter, the accused gave a cheque for Rs.21,47,000/- with instructions that the same be deposited after two months. The accused further stated that the balance amount of Rs. 7,15,799/- would be paid within a month. The complainant states that on depositing the cheque in his account, as instructed, the cheque was returned for insufficiency of fund. Notice as required in law was sent but



could not be served as the accused had disappeared.

4. Learned counsel for the petitioner submits that the earlier prayer for anticipatory bail of the petitioner was rejected vide order dated 19.8.2023 passed in Cr. Misc. no.52693 of 2023. The reason for once again filing an application for anticipatory bail is that a number of points in favour of the petitioner could not be put forward in a proper manner. Learned counsel submits that no case under section 406 or 420 of the Indian Penal Code is made out and the same is an abuse of the process of the Court as has been held by the Hon'ble Supreme Court in the number of judgments. Learned counsel relies on the judgment in the case of G. Sagar Suri vs. State of U.P; 2000 (2) PLJR 46 (SC). It is further submitted that none of the 12 persons named in the complaint from which the instant application arises have come forward to lodge any case against this petitioner. It was on the petitioner lodging a complaint, a copy of which has been brought on record as Annexure P-5 to the instant petition that the petitioner has been falsely implicated in the case. As such it is prayed that the petitioner be enlarged on anticipatory bail.

5. The prayer for anticipatory bail is opposed by learned APP for the State and learned counsel for the opposite



party no.2.

6. Having heard learned counsel for the parties and taking into consideration the contents of the petition, it transpires that the prayer for anticipatory bail of the petitioner was rejected vide order dated 19.8.2023 passed in Cr. Misc. no. 52693 of 2023. No subsequent development subsequent to the order dated 19.8.2023 has been mentioned in the petition or argued by learned counsel for the petitioner. So far as complaint lodged at Annexure P-2 by the petitioner is concerned, it may be noted that the complaint by the opposite party no.2 against the petitioner was lodged on 29.9.2022 and the complaint of the petitioner at Annexure P/5 was lodged much later on 13.10.2022. In the opinion of the Court, the judgment in the case of G. Sagar Suri (*supra*) referred to on behalf of the petitioner has no application in the facts and circumstances of the case.

7. In the opinion of the Court, the petitioner has not made a case for renewal for his application for grant of anticipatory bail which already stood rejected by the aforesaid order dated 19.8.2023.

8. The application is rejected and the petitioner is directed to surrender in the learned Court below within a



period of four weeks.

(Partha Sarthy, J)

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