

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44945 of 2024

Arising Out of PS. Case No.-252 Year-2023 Thana- RAJGIR District- Nalanda

Gaurav Kumar son of late Karu Singh R/o- vill- Bangalipara, P.S - Rajgir,
Dist - Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gajendra Singh Son of late Mosafir Singh R/o- vill- Bangalipara, P.S -
Rajgir, Dist- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudish Kumar, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

Mr. Arun Kumar

Mr. Shubham Anand, Advocates

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 21-09-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Rajgir P. S. Case No.252 of 2023 dated 16-05-2023, instituted
under Sections 420, 406, 506 and 120B/34 of the Indian Penal
Code.

3. The prosecution case in short is that on
14-09-2022 informant met with the petitioner and talked about
the land and after finalization, he gave Rs. 20 lacs as
consideration money to the petitioner. It is further alleged that
co-accused Pankaj Kumar gave him three cheques as surety. It
is alleged that when the informant demanded the land then the



FIR named accused persons including the petitioner threatened him to kill and told that they will implicate him in a false case. When the wife of the informant demanded the money back, all the accused persons became angry and started abusing her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. The petitioner is named in the FIR. The FIR was lodged against eight accused persons. There is general and omnibus allegation against the petitioner. Lastly, it has been submitted that petitioner has six criminal cases of similar nature pending against him. The Court asked the petitioner to return the consideration money of Rs. 20,00,000/-(Twenty Lacs) through demand draft in the favour of the informant, which was flatly refused by the petitioner.

5. Learned APP as well as learned counsel for the OP.2 have opposed the prayer for bail. Learned counsel for the OP No.2 submits that petitioner along with co-accused persons cheated 20,00,000/- from the informant in the name of selling his land for which an agreement to sale was also executed by the petitioner in spite of that petitioner neither sold the land nor returned the money. It is further submitted that three cheques were given to the informant, as surety, but all the cheques got



bounced one after the other. Referring to paragraph Nos. 2,5,6 and 7 of the case diary, it is submitted that informant and witnesses have fully supported the allegation narrated in the FIR. It is further highlighted that petitioner is a habitual offender and six cases of similar nature are pending against him. Copy of agreement, cheques and return memo of bank corroborate the allegation against the petitioner.

6. Considering the facts and circumstances of the case, nature of allegation and criminal antecedents of the petitioner, this Court is of the view that it is not a fit case for grant of anticipatory bail.

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

8. The application stands disposed of.

(Khatim Reza, J)

shyambihari/-

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

