

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47055 of 2024

Arising Out of PS. Case No.-81 Year-2024 Thana- GANDHIMAIDAN District- Patna

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Kamesh Kumar Son of Shyam Nandan Singh Resident of village - Dularpur,
P.S.- Punpun, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 20-08-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 420, 406, 467, 468, 471, 506, 34 and 120B of the IPC in connection with Gandhi Maidan P.S. Case No.81 of 2024.

3. The learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that she is a widow having one child, further her husband died in the 2019 in a road accident, thereafter, her only son went in trauma on account of sudden death of his father, it is next alleged that the accused persons including the petitioner



took advantage of the fragile condition of the son of the informant and by intoxicating him in conspiracy got various sale deeds executed in their names. It is further alleges that the plots shown in the sale deeds are worth more than 2.5 crore rupees, but very cleverly the accused persons transferred a meager amount in the account. Accordingly, the complainant approach the Officer-in-charge, Gandhi Maidan P.S. for registering a case, but the same was not registered, accordingly a complaint was filed based on which the instant FIR came to be instituted.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that the dispute is purely civil to which a criminal colour has been given. It is also submitted that if informant is aggrieved by the fact that sale deed has been executed by intoxicating her son in that event, informant has remedy of approaching a court of competent civil jurisdiction for getting the sale deed cancelled. It is next submitted that a supplementary affidavit has been filed wherein the details of payment made to the son of the informant has been recorded. It is further submitted that on 27.08.2022 an amount of Rs.8,00,000/- in cash was paid, thereafter on 16.10.2022 a sum of Rs.5,00,000/- in cash was paid, next on 20.11.2022 an



amount of Rs.4,00,000/- in cash was paid, thereafter on 15.12.2022 an amount of Rs.5,00,000/- in cash was paid, on 29.01.2023 an amount of Rs.2,20,000/- in cash was paid and thereafter on 01.02.2023 an amount of Rs.1,00,000/- via UPI in the account of the son of the informant was paid. It is further submitted that an amount of Rs.25,20,000/- was paid for purchasing 21 decimal of land which is nearly 07 katthas.

5. The learned APP vehemently opposes the anticipatory bail application and submits that the entire payment is made in cash and only one payment has been made via phone-pay to the son of the informant which casts an aspersion on to the fact as to whether even payments in cash were made to the son of the informant or not.

6. It is further submitted that the price of the land in Patna district has skyrocketed. It is also submitted it does not appear probable that 07 kattas of land would have been sold for a meagre amount of Rs.25,20,000/-. It is further submitted that allegation is of committing cheating with the son of the informant in getting the sale deeds executed. It is also submitted that the investigation of the case is in its nascent stages and if the privilege of anticipatory bail is granted to the petitioner, in that event the petitioner may tamper with the evidence or may



abscond.

7. Considering the submissions made by the learned APP, 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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