

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54086 of 2023

Arising Out of PS. Case No.-428 Year-2022 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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BHAGWAN PASWAN S/O LATE SHANICHAR PASWAN R/O VILLAGE-
RAGHUVAR NAGAR, WARD NO. 29, PS. BEGUSARAI TOWN (LOHIYA
NAGAR O.P), DIST. BEGUSARAI

... .. Petitioner/s

Versus

1. The State of Bihar
2. FANI BHUSHAN SINGH S/O SHRI LAKSHMI SINGH RESIDENT OF
CHERIA BARIYARPUR, POST OFFICE AND PS- CHERIA
BARIYARPUR, DIST. BEGUSARAI

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kaushal Kumar Singh, Adv.
For the Opposite Party/s : Mr.Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 16-01-2024 Heard learned counsel for the petitioner and learned APP

for the State. Though, notice was validly served upon and

received by the O.P. No.2 but nobody has entered appearance on

his behalf.

2. Petitioner is apprehending his arrest in connection with

Complaint Case No.428C of 2022, registered for the offence

punishable u/s 420, 467, 468, 34 of the IPC.

3. Allegedly, the petitioner along with other F.I.R. named

accused persons cheated the money of the complainant on the

pretext of giving 2BHK flat in Patna but thereafter, they started



demanding higher rate of the flat and on denial, the co-accused gave cheque of Rs.6,00,000/- of a Bank account which was already closed.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence. He has been falsely implicated in this case due to ulterior motive. No such occurrence in the manner as alleged has ever taken place. No money has been given to the petitioner but it is clear from the complaint itself that the said money was given to the co-accused Bachha Prasad Singh and it is only alleged that the said money was given in presence of the petitioner. Except that there is no specific allegation against the petitioner. Petitioner has six criminal antecedent, out of which, three case have been filed by the complainant and his associates.

5. Learned APP for the State opposed the prayer for bail by submitting that there is specific allegation against the petitioner that he convinced the complainant to give money to the co-accused for purchase of flat.

6. Considering the aforesaid facts and circumstances and the nature of offence, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.



7. This application is accordingly dismissed.
8. However, petitioner is at liberty to surrender before the learned Court below within a period of six weeks and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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