

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57929 of 2024

Arising Out of PS. Case No.-692 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Sanjit Kumar @ Sanjeet Kumar son of Mithilesh Kumar yadav @ Mithilesh Singh Village- Lodipur Mansurpur Ps- Khusrupur Dist- Patna
 2. Anuj Yadav son of Jay Kishun Yadav Village- Majhauri Ps- Salimpur Dist- patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumari Nutan wife of Akhilesh Kumar R/o- 4M/196, Bhootnath Road Near T.V Tower Ps- Agamkuan Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Kumar, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the complainant.

2. The petitioner apprehends arrest in connection with
Complaint Case No. 692(c) of 2023 dated 17.01.2023 instituted
for the offence punishable under Sections 323, 386, 406, 420/34
of the Indian Penal Code.

3. The prosecution case, in short, is that the complainant
along with her husband met with petitioner no. 1 who showed
them a plot at Lodhipur measuring 12 katha and the price was
fixed for sale the land at the rate of nine lakh rupees per katha. It is
alleged that on 15.05.2022 the complainant gave Rs. 21,000/- as
token money to the petitioner no. 1. Thereafter on 17.05.2022, the



complainant gave five lakh rupees to him and an agreement was executed. On 21.05.2022, she gave four lakh rupees on the plot. It is alleged that after some days, when the complainant called petitioner no. 1 and requested him for measurement of land and piling thereon, upon which he demanded Rs. 30,000/- for the same which was also paid to him. But as per assurance, neither the boundary wall was erected nor the land was measured. Thereafter, on several request of the complainant, the accused persons started evading to meet him. On query, the complainant came to know that the land in respect of which the accused had negotiated and agreed for sale originally belongs to one Md. Aslam. In this way, the accused along with other accused persons committed fraud and cheated the complainant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that the real fact is that petitioner no. 1 has an oral discussion with the complainant to sale a plot having area of 12 katha of plot no. 202, khata no. 01, Thana no. 145 and for that the petitioners have received Rs. 30,000/- only on the mobile number of his cousin brother, namely, Nitish Kumar and no such written agreement for sale has been executed by the petitioner no. 1 as stated by the complainant. Learned counsel for the petitioner submits that Md. Aslam and Md. Ashraf Ali are



cousin brothers and both are equal shareholder of their ancestral property and Md. Aslam has dispute regarding the partition of their ancestral property. The petitioner has an agreement for sale with Ashraf Ali, so how he can sign an agreement for sale along with the complainant. Learned counsel for the petitioners further submits that the petitioners had only an oral discussion with the complainant regarding the sale of the aforesaid land and the complainant paid Rs. 30,000/- as token money to the petitioner no. 1 and the petitioner is ready to return such token money along with interest. It is also submitted that the incident took place in the year 2022, but the complaint case has been filed on 17.01.2023 after delay of seven months without any explanation. Lastly, it has been submitted that petitioner no. 1 has one criminal case against him while petitioner no. 2 has no criminal antecedents.

5. On the other hand, learned A.P.P. for the State and learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioner. Learned counsel for the informant submits that the petitioners have negotiated with the complainant to sale the land of Md. Aslam with intention to cheat her. Learned counsel for the informant submits that the petitioners impersonated himself as Md. Aslam and misappropriated the advance money paid by the complainant.

6. Since the petitioners have made oral discussion with



the complainant regarding the sale of the land of another person i.e., Md. Aslam and they received Rs. 30,000/- from the complainant as advance money for agreement to sale, I am not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the prayer for bail on behalf of the petitioners stands rejected.

(Khatim Reza, J)

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