

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64637 of 2023

Arising Out of PS. Case No.-1136 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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DHARAMVIR PRASAD S/O MITHLESH PRASAD R/O VILLAGE-
BHADRU BIGHA, P.S- NAGAR NAUSA, DISTT.- NALANDA.

... .. Petitioner/s

Versus

1. The State of Bihar, Bihar
2. BABLU KUMAR S/O LATE RAVINDRA SINGH R/O VILLAGE-
MALPUR, P.S- KHUSRUPUR, DISTT.- PATNA.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 27-02-2024 Heard learned counsel for the petitioner as also the

State and the complainant.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 1136 of 2022 for the offence under sections 420, 323, 504, 379 of the I.P.C.

3. As per the prosecution story, the complainant has alleged that he being handicapped person, after the death of his parents, was helpless when the petitioner came to his rescue and asked that if he hand over the money, he will take care of him for his entire life. Believing his word, the complainant executed an agreement for sale on a plain paper which resulted into coughing of amount of Rs. 15,85,000/- which he handed over to the petitioner and the document was signed on 02.03.2022.

4. However, the moment he received the amount, his attitude changed and started conspiracy of his killing. Upon



knowledge, the complainant escaped and with the villagers, came to his house, sent legal notice to the petitioner. As he failed to respond and later, also threatened/assaulted the complainant, this case.

5. Though learned counsel for the petitioner tried to impress upon this Court that the petitioner's economic status is not as such that he can arrange Rs. 15,85,000/- and hand it over, there was no such agreement between them that he will take care of him for entire life for which the amount was handed over, learned counsel for the complainant submits that whatever has been incorporated in the complaint is correct and his truthfulness can be judged from the fact that earlier a legal notice was sent to the petitioner which he failed to respond. It is not the case of the petitioner that suddenly the case has cropped up. The petitioner had the knowledge of the legal notice which he chose not to respond.

7. In that backdrop, this Court is not inclined to extend him the privilege of anticipatory bail, which is accordingly rejected.

(Rajiv Roy, J)

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