

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69984 of 2023

Arising Out of PS. Case No.-164 Year-2023 Thana- BUXAR INDUSTRIAL District- Buxar

RAJU KUMAR PANDEY S/O LATE KAMAL KISHOR PANDEY R/O
VILLAGE- UDHAURA, WARD NO.9, P.S- SIMARI, DISTT.- BUXAR AT
PRESENT R/O VILLAGE- BARKI SARIMPUR, NEAR NORTH OF
MADHUBAN MALL, P.S- BUXAR INDUSTRIAL AREA, DISTT.-
BUXAR.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. AMRENDRA KUMAR UPADHAYAY S/O LATE SAROJ KUMAR
UPADHAYAY R/O MAIN ROAD, GOLAMBAR BUXAR, BEHIND
MAHABIR MANDIR, PS- INDUSTRIAL AREA, DISTT.- BUXAR.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Arvind Kumar Pradhan, Advocate
For the State	:	Mr. Bhanu Pratap Singh, APP
For the O.P. No.2	:	Dr. Kamaldeo Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 4 16-04-2024 Heard learned counsel for the petitioner and learned A.P.P. for
the State assisted by learned counsel for the opposite party no.2.
2. The petitioner apprehends his arrest in Buxar Industrial Area
P.S. Case No. 164 of 2023 registered for the offences punishable
under Section 406/420 of the Indian Penal Code.
3. The petitioner is said to have taken a sum of Rs.55,00,000/-
from the informant in lieu of to register a sale deed but neither
the sale deed was registered nor the money was returned.
4. It is submitted by learned counsel for the petitioner that no
such occurrence as alleged ever took place. He has been falsely



implicated in this case. It is further submitted that the petitioner has not received a single rupee from the informant and the said land deal story is false and concocted set up by the informant. It is further submitted that the police during the course of investigation has not found any document regarding the alleged transaction of the said amount between the petitioner and the informant. The petitioner has four criminal antecedents of similar nature of the offence as stated in para-2 of the supplementary affidavit.

5. Learned APP for the State assisted by learned counsel for the opposite party no.2 vehemently opposing the bail petition submitted that the petitioner is a habitual offender of such type of offences, which is evident from his criminal antecedents and the allegations are serious in nature, hence the petitioner does not deserve anticipatory bail.

6. By order dated 02.11.2023, this matter was sent to the Patna High Court Mediation and Conciliation Center for amicable solution of the dispute, which has failed.

7. Considering the facts and circumstances of case, the nature of the offence and the criminal antecedent of the petitioner which are for similar nature of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for



anticipatory bail of the petitioner is hereby rejected. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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