

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77548 of 2024

Arising Out of PS. Case No.-278 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

Rajesh Singh Son of Late Ram Govind Singh Resident of Village -
Laxmanpur, P.S. - Ara (Mufasil), District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-11-2024 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. The petitioner apprehends his arrest in connection with
Ara (Muffasil) P.S. Case No. 278 of 2023 registered for the
offences punishable under Sections 406, 420, 34 of the Indian
Penal Code.

3. Allegedly, having conspiracy with other co-accused, the
petitioner is said to have taken Rs. 6,75,000/- from the
informant in lieu of the said land, but when the said land was not
transferred in favour of the informant, he asked the petitioner
and others to return the consideration money on which Rs.
4,95,000/- was returned to the informant with an assurance to
give the rest amount after sometime, but the same has not been
returned as yet.



4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. There is an admitted land dispute between the parties. There is inordinate and abnormal delay of three years in lodging of the present case, which creates serious doubt about the prosecution case. From bare perusal of the FIR, it is evident that the informant had made payment of consideration amount in the bank account of co-accused Vijay Singh and his wife and son. In the alleged transaction, the petitioner has played a role of witness regarding dealing of the land in question. He has not received a single penny from the informant. Learned counsel further submits that petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the facts and circumstances of the case as well as the 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.



7. Accordingly, the application stands dismissed.

8. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order considering the fact that there is civil dispute between the parties.

(Anjani Kumar Sharan, J)

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