

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80932 of 2023

Arising Out of PS. Case No.-600 Year-2011 Thana- KATIHAR NAGAR District- Katihar

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SANJAY PRASAD Son of Rajendra Prasad Resident of Gamitola, P.S.-
Katihar (N), District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad

For the Opposite Party/s : Mr. Abhay Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 18-01-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. The petitioner is seeking anticipatory bail in the Katihar Police Station Case No. 600 of 2011, dated 12.10.2011, lodged under Sections 420/406 of the Indian Penal Code.
3. The allegation against the petitioner is that the land owner, namely, Suraj Prasad @ Lalji Prasad and Ashok Kumar, agreed to sell their building with land, situated in Mauza-Saifganj with a total area of 2A 40 point, in favour of the informant for a total consideration amount of Rs. 21,11,001/-, out of which earnest money was paid by the informant to the accused persons to the tune of Rs. 6,00,000/-. It has further been alleged that the accused persons Suraj Prasad and Ashok Kumar paid a sum of Rs.



4,00,000/- to the petitioner for vacating the building and land and a date was fixed for registration of the sale on 31.01.2011, but the sale deed was not executed by the land owner and other accused persons.

4. Learned counsel for the petitioner submits that the petitioner has been made accused in this case only because he happens to be the nephew of the co-accused Suraj Prasad and was residing in the building for which an agreement for sale was arrived at between the informant and the co-accused Suraj Prasad and Ashok Kumar. Referring to the Annexure-2, learned counsel submits that the co-accused Suraj Prasad and Ashok Kumar returned the sum of Rs. 6,00,000/- in favour of the informant as would be evident from the acknowledgment receipt given in the margin of the order passed by the Court below. Learned counsel, however, submits that the anticipatory bail application of the petitioner was rejected by learned Sessions Judge, Katihar, earlier in the year 2011, vide A.B.P. No. 1358 of 2011, but due to the fact that the sum of Rs. 6,00,000/- was returned by the co-accused persons in favour of the informant in the year 2011 itself, the petitioner was under impression that the



case has come to an end and did not make any appropriate
parivi in the same.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the case is very old and is of the year 2011 and the anticipatory bail application of the petitioner was rejected in the year 2011 itself, I am not inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, dismissed.
7. However, the petitioner may seek regular bail before the learned District Court and if regular bail application is filed by the petitioner within a period of two weeks, the concerned court may consider the bail application of the petitioner on the same day and may pass an appropriate order in accordance with law and in light of the fact that the sum of Rs. 6,00,000/- has already been returned to the informant.

(Anil Kumar Sinha, J)

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