

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53 of 2024

Arising Out of PS. Case No.-1005 Year-2021 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

=====

NIKUNJ RAJ S/O BALMUKUND SINGH R/O VILLAGE- GODDI, P.S-
KAJRAILI, DISTT.- BHAGALPUR.

... .. Petitioner/s

Versus

1. The State of Bihar
2. ASHOK KUMAR SINGH S/O LATE BHOLA PRASAD SINGH R/O
VILLAGE- GODDI, DISTT.- BHAGALPUR.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner	:	Mr. Praveen Kumar, Advocate
For the State	:	Mr. Dilip Kumar No.1, APP
For the O.P. No.2	:	Mr. Ranjan Kumar Jha, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 24-04-2024 Heard Mr. Praveen Kumar, learned counsel for the petitioner and Mr. Dilip Kumar No.1, learned A.P.P. for the State assisted by Mr. Ranjan Kumar Jha, learned counsel for the opposite party no.2.

2. The petitioner apprehends his arrest in Complaint Case No. 1005 of 2021 registered for the offences punishable under Sections 420 and 406 of the Indian Penal Code.

3. The petitioner is said to have taken Rs.13,00,000/- from the complainant/opposite party no.2 to execute a sale deed in his favour but neither the sale deed was executed 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. In fact, the petitioner had taken personal loan of Rs.50,000/- and in the form of security signature of the petitioner was taken on the stamp paper. Subsequently, the money which the petitioner took was returned to the complainant but even after repeated requests the said signed stamp was not returned to the petitioner for which the petitioner filed an Informatory Petition No.2407 of 2021 on 21.06.2021. It is further submitted that the petitioner denies that any such agreement to sell was entered into between the parties. The petitioner has no criminal antecedent as mentioned in para-3 of this application.

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 has entered into sale agreement with the opposite party no.2 on 17.12.2020 and at the time of sale agreement petitioner has received Rs.5,00,000/- cash as advance, a copy of the said sale agreement has been annexed as Annexure-1/R to the counter affidavit. It is further submitted by learned counsel for the opposite party no.2 that on careful perusal of the sale agreement and sanha it is clear that the signature of the petitioner is same on both the documents. It is



further submitted that the petitioner is neither executing the sale deed nor returning the money. Hence, the petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of case, arguments of the parties and on perusal of the record, although it is a case of civil nature but as the petitioner has taken Rs.13,00,000/- from the complainant/opposite party no.2 and not executed the sale deed, 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)

Trivedi/-

U		T	
---	--	---	--

