

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52590 of 2024

Arising Out of PS. Case No.-1182 Year-2022 Thana- KAHALGAON District- Bhagalpur

Honey Raj S/o Vedanand Sah R/o vill - Ekchhari, P.S. - Rasalpur, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vindhya Keshri Kumar, Sr. Advocate
		Mr. Dhananjay Prasad, Advocate
For the Informant	:	Mr. Diwakar Upadhyay, Advocate
		Mrs. Preety Kunwar, Advocate
For the State	:	Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
CAV ORDER

9 07-05-2025 Heard Mr. Vindhya Keshari Kumar, learned Senior Counsel for the petitioner; Ms. Preety Kunwar, learned Counsel who represents the informant and learned APP for the State.

2. The petitioner seeks bail in connection with Kahalgaon Rasalpur P.S. Case No. 1182 of 2022 dated 02.11.2022 for the offence registered under Sections 406, 420, 504, 506 and 120B of the Indian Penal Code.

3. The prosecution case, in brief, is that about 45 decimals of land of the informant were acquired by the government and to receive the compensation, the informant had to open a bank account and at that time the informant used to reside with Vedanand Sah (the father of the petitioner) and on the assurance of this petitioner who is the nephew of the informant, the bank



account was opened in HDFC Bank. It is further alleged that thereafter for treatment, the informant was taken to Siliguri by the co-accused Vedanand Sah and while the informant stayed at Siliguri, Honey Raj (petitioner) informed about the compensation amount which was deposited in the Bank account. It is next alleged that, when the informant returned to the house and asked to take him to the Bank for withdrawal of the amount, both Vedanand Sah and Honey Raj (petitioner) did not take him to the Bank. Then the informant got suspicious and went to the house of his other brother, Devnandan Sah. It is also alleged that thereafter, the informant visited the Bank and on inquiry, found that the compensation amount was already received in his account on 11.05.2022 and withdrawn within 15 days only. Thereafter, the informant asked Vedanand Sah and Honey Raj (petitioner) to return the amount that was assured but neither the money has been returned nor the informant was taken to the bank to inquire about the same. Then the informant went to the house of another brother and started living there and with the help of his nephew, the informant went to the Bank and on inquiry, it was found that the entire compensation money had been withdrawn. It is further alleged that on the occasion of Deepawali, i.e., 23.10.2022 when the informant demanded



money then the accused persons including this petitioner threatened him with dire consequences and the informant has apprehension that the petitioner and co-accused might kill him for property. It is lastly submitted that the petitioner has no criminal antecedents and has been in custody since 23.11.2023.

4. At the outset, learned counsel for the informant submits that the petitioner had earlier filed an anticipatory bail application vide Cr. Misc. No. 15821 of 2023 which was allowed on 23.05.2023 with direction to surrender in the learned court below within four weeks. At that time the petitioner was serving his father, namely Vedanand Sah who was suffering from cancer and his treatment was going on in Delhi in the meantime, the time elapsed. Thereafter, the petitioner filed a modification petition before the High Court *vide* Cr. Misc. No. 64655 of 2023 which was dismissed on 06.10.2023. Thereafter, the petitioner surrendered before the learned court below.

5. Learned Additional Public Prosecutor for the State and learned counsel for the informant have opposed the prayer for bail. They jointly submit that there is sufficient *prima facie* evidence to show that the petitioner has cheated the informant and now only two witnesses remain to be examined and the trial is at the fag end.



6. Considering the facts and circumstances of the case and taking into account that there is sufficient *prima facie* evidence to show that the petitioner has cheated the informant and now only two witnesses remain to be examined and the trial is at the fag end, I am not inclined to enlarge the petitioner on bail.

7. Hence the prayer for bail is rejected.

(Sourendra Pandey, J)

Prakash/-

U			
---	--	--	--

