

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88325 of 2024

Arising Out of PS. Case No.-198 Year-2024 Thana- BIHAR District- Nalanda

Raushan Kumar Singh S/O Ashok Kumar Singh Resident of Village Flat No.- 67, House No- 07, 3rd Floor, 3rd Cross Sai Nagar 2nd Phase Dakshini Vidhara, Nyayapura, Attibela, Bangalore, State Karnataka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Naila Iqbal D/O Iqbal Haider R/O Mohalla - Kagzi, P.S- Bihar Sharif, Dist- Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Niranjan Parihar, Advocate
For the State	:	Mr. Anuj Kumar Shrivastava, APP
For the O.P. No.2	:	Ms. Kanupriya, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-05-2025 Heard Mr. Niranjan Parihar, learned counsel for the petitioner and Ms. Kanupriya, learned counsel representing the opposite party no.2 as also learned APP representing the State.

2. The petitioner is apprehending his arrest in connection with Bihar Sharif P.S. Case No. 198 of 2024 for the offence under Sections 420, 406 and 120-B of the Indian Penal Code lodged on 10.03.2024 by the informant, Nayla Iqbal.

3. As per the prosecution story, the informant alleged that though she is the resident of Nalanda, was temporarily shifted to Bangalore when came in contact with the petitioner who was running a firm dealing with the real estate. Earlier, she needed money, was helped by this petitioner to the tune of



Rupees 70 Lakhs, she returned Rupees 95 Lakhs thereafter later, she paid Rupees 1 Crore for purchasing a flat (in Bangalore) to the petitioner but thereafter he started looking the other way. As she demanded the cheques back, he threatened to kill her and abused on the mobile phone, left with no option, the case.

4. Learned counsel for the petitioner submits that he had given loan which was returned, no one can believe that such a huge amount was given without an agreement and all the story planted by the petitioner about purchasing of the flat is only to save her skin as he has also filed a case in Bangalore regarding the bouncing of the cheques of the informant.

5. Ms. Kanupriya representing the informant submits that a voluminous counter affidavit has been filed, she has taken this Court to paragraph 9 to show that due to good relationship between them as the informant showed her desire to purchase a flat, the petitioner who was engaged in the real estate business, assured which followed the payment. As he chose not to execute the sale deed regarding the flat at Bangalore South, upon demand, the threatening and the abused.

6. Learned State counsel also submits that it is a case where the cheating took place and in that background, the petitioner do not deserve bail.



7. This Court has gone through the facts of the case as also the submissions put forward by the parties, both sides have made allegations, there is a case in Bangalore, the other in Bihar. Clearly, the facts enumerated in F.I.R. shows cheating on the part of the petitioner. The Sessions Court has recorded that he tried to mediate in the matter, it was sent to the mediation centre, failed. Thereafter, he tried to once again bring both the parties to the negotiating table, though the informant appeared, the petitioner/accused chose to absent himself.

8. The aforesaid observation has been recorded only to show the attitude of the petitioner who after getting interim relief by the learned Sessions Judge chose to ignore the order by which he was asked to be present.

9. It would be appropriate in the aforesaid circumstances, that he seek bail, no relief can be extended to him.

10. The anticipatory bail application stands rejected.

(Rajiv Roy, J)

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