
(2017) 02 JH CK 0102
In the Jharkhand High Court
Case No : 1208 of 2016

Abdur Raheem Ansari

APPELLANT

Vs

The State of Jharkhand & Anr.

RESPONDENT

Date of Decision : 08-02-2017

Acts Referred:

[Indian Penal Code, 1860](#), [Section 379](#),
[Section 406](#), [Section 417](#) -
Punishment for theft - Punishment for Criminal breach of trust - Punishment for cheating

Citation : (2017) 02 JH CK 0102

Hon'ble Judges : Anant Bijay Singh

Bench : SINGLE BENCH

Advocate : Suraj Singh, ?Shailesh

Judgement

1. Petitioner is apprehending his arrest in connection with C.P. Case No. 2203 of 2013, registered under Sections 379, 406 and 417 of the I.P.C., pending in the court of learned Judicial Magistrate, 1st Class, Dhanbad, filed by one Sanjay Kumar authorized by his brother-in-law Awadh Kishore in the court of Chief Judicial Magistrate, Dhanbad alleging that petitioner Sidheshwar Singh entered into an agreement with his brother-in-law for sale of 9.79 acre of land for consideration amount of Rs. 14,68,500/- @ Rs. 1500/- per decimal and Rs. 5,36,000/- was paid to the petitioner in 2005. It is alleged that money was paid, but the sale deed was not executed by the petitioner, nor money was returned despite several reminders. On 21.07.2013, the accused persons have forcibly entered into the house of the complainant and abused and assaulted the complainant and snatched away Rs. 5,000/- from his pocket. On the basis of these allegations, instant case was instituted.

2. In this case, notices were issued to opposite party no. 2 and both the parties were directed to remain physically present before this Court, but despite several orders, petitioner failed to appear and matter was directed to be listed for today for hearing on merit.

3. Learned counsel for the petitioner has submitted that although the agreement was arrived in 2005, but the criminal complaint was filed in 2013, after delay of 08 years and no documents were filed on behalf of complainant in support of contentions that petitioner was given Rs. 5,36,000/-. It is further submitted that the case is a civil dispute, so, petitioner deserves the privilege of anticipatory bail.

4. Learned counsel for the opposite party no. 2 has opposed the prayer for anticipatory bail and submitted that the petitioner has taken Rs. 5,36,000 and agreement was arrived on stamp paper which has been taken note on S.A. of the complainant and neither the money was returned, nor the land was transferred.

5. Be that as it may, keeping in view that despite several adjournments given for settlement, the petitioner fail to appear, I am not inclined to admit the petitioner on anticipatory bail. Accordingly, anticipatory bail application of the petitioner is rejected.