

In the Court of Sri Dinesh Rai, A.J.C.-I, Ranchi
A.B.P. No.- 2504/2022
(Arising out of Complaint Case No – 3318/2022)

Schedule XLII – High Court (J) 9a [Old (M) 164.]

Serial No.	Date of Order of Proceeding	Order with signature of the court.	Office notice taken with date.
1	2		
	06/12/2022	(1) Bittu Narayan Tiwari & (2) Md. Tabrez Alam Petitioners Versus (1) State of Jharkhand Opp. Party For the petitioners- Sri Modassir Nasim, Adv. For the State- Sri Ved Prakash, Addl.P.P. <u>ORDER</u> The present anticipatory bail petition filed on behalf of petitioners namely (1) Bittu Narayan Tiwari & (2) Md. Tabrez Alam, who are apprehending their arrest in connection with Complaint Case No. 3318/2022 registered under Sec. 387/406/420/34 of the IPC, presently pending in the court of learned C.J.M., Ranchi has been pressed and moved today. Briefly, the prosecution case as per complaint submitted by complainant Ashish Kumar is that an agreement was entered between the complainant and the accused/petitioners for sale of a piece of	
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	contd...p/2 06/12/2022	land falling under Khata no. 77, Plot no. 1015/1016, area 14.5 decimals situated at Ormanjhi, Ranchi on 14.12.2021. Rate of the land was decided at Rs. 76,51,000/-. In the agreement it is further alleged that the accused/petitioners would do the registry in favour of the complainant within 3 months from the date of agreement. That on the date of agreement the complainant paid Rs. 20,00,000/-. Thereafter the complainant paid on 25.12.21, 06.01.21 and 10.01.21 Rs. 5 lacs, Rs. 13 lacs, Rs. 15,40,000/- respectively only. Thus till 10.01.21 complainant paid total amount of Rs. 53,40,000/- only and had spent Rs. 5,00,000/- in the boundary of the land. When the Registry was not done by the petitioners, the complainant approached the Ormanjhi police station and made a report there on 21.01.22. Thereafter, the complainant sent a legal notice to the petitioners on 25.01.2022. That when the accused persons were called at the Ormanjhi police station on 28.01.22, the complainant again gave Rs. 23,00,000/- by way of cash and bank transfer and it was decided that on 29.01.22 registry will be done but when the complainant went on 29.01.22	
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	contd...p/3 06/12/2022	for registry the accused persons refused to register the land and demanded extortion of Rs. 10,00,000/- and threatened the complainant to kill or else they will not register the land nor they will return the money. Thus the accused persons after taking a huge amount of Rs. 76,40,000/- only, did not register the land in favour of the complainant and thus they have cheated the complainant. Hence, this case. Learned counsel for petitioners submits that petitioners are innocent and have committed no offence as alleged in the complaint petition. It is further submitted that petitioner have been falsely implicated in this case. The prosecution story is false against the petitioners as such no offence of cheating or extortion has been committed. Petitioners have no any criminal antecedent. Accordingly prayed for bail. The learned Addl.P.P. for the State opposed the anticipatory bail petition. Heard Ld. Counsel for the parties and gone through the case record. Record transpires that petitioners misrepresented the complainant as a result an agreement to sell of land executed	
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	contd...p/4 06/12/2022	between both the parties and thereafter petitioners received Rs. 76,40,000/-from the complainant and not registered the land in favour of the complainant. Considering the above facts, circumstances and gravity of offence, I am not inclined to extend the privilege of anticipatory bail to the petitioners. Hence, anticipatory bail petition of petitioners namely (1) Bittu Narayan Tiwari & (2) Md. Tabrez Alam is hereby rejected. <i>(Dictated).</i> <i>Sd/-</i> <i>(Dinesh Rai)</i> <i>A.J.C.-I, Ranchi</i>	

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