

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6231 of 2015

Arising Out of PS.Case No. -662 Year- 2013 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

1. Anant Mohan Thakur Son of Late Shashi Mohan Thakur resident of
Mohalla - Sukhraj Roy Path, Police Station - Barari, District - Bhagalpur

.... .. Petitioner/s

Versus

1. The State of Bihar

.... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Dinesh Singh(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 16.02.2015 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Originally, informant filed complaint case bearing
Complaint Case No. 2140/2013 which was converted into Kotwali
P.S. Case no. 662/2013 for the offences under sections 406 and 420 of
the IPC.

The accusation against the petitioner is that he executed an
agreement for sale after taking part consideration amount but
subsequently, refused to execute absolute sale deed.

The contention on behalf of the petitioner is that father of the
petitioner had given Sanha in the court of the Chief Judicial
Magistrate, Bhagalpur in the year 2005 mentioning therein that co-
accused Shyam Sundar Sharma had taken signature of the petitioner
on plain paper and, as a matter of fact, co-accused Shyam Sundar
Sharma got prepared forged agreement for sale in collusion with the

informant of this case and on the basis of forged agreement for sale, informant lodged this case. It is further contended by him that co-accused Shyam Sundar Sharma has already been admitted to anticipatory bail by a coordinate bench of this court vide order dated 19.04.2014 passed in Cr. Misc. no. 10342/2014. It is further contended by him that even if the prosecution story assumed to be true, then also, no prosecution can be launched in view of decision rendered by the Apex Court of this country in the case of Murari Lal Gupta vs. Gopi Singh reported in (2005) 13 Supreme court cases 699.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhagalpur in Kotwali P.S. Case no. 662/2013 subject to condition as laid down under section 438(2) of the Cr.P.C.

shahid

(Hemant Kumar Srivastava,J)