

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20624 of 2016

Arising Out of PS.Case No. -889 Year- 2007 Thana -BUXAR COMPLAINT CASE District-
BUXAR

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1. Mohan Choudhary S/o Chhowa Lal Mallah R/o Village- Gopal Nagar
(Chakiya), P.S.- Buxar (Mufail), Distt- Buxar at present R/o Village-
Kotwa, Pachim Tola, P.S.- Narhi, distt- Balliya (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sudarshan Singh S/o Late Guljar Singh R/o Village- Haripur P.O. Puliya,
P.S.- Buxar (Mufassil), Distt- Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 09-08-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a
case registered for the offences punishable under Sections
120B/420/406 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that a bare
reading of the complaint petition itself reveals that the land in
question had been purchased by the complainant from co-accused
Chhowa Lal Mallah, who is father of the present petitioner. It
appears that there was some dispute, as the land had already been
sold to some other person.

Considering the nature of allegation made, if at all there was
a dispute, it was for the parties to have their respective titles

adjudicated by a Court of competent jurisdiction. The present case has been filed only on account of the fact that one Aatma Ram Sharma was preventing him from taking the possession of the property which he claimed to have purchased earlier. The money in question was given to the said Chhowa Lal Mallah and not to the present petitioner.

Considering the aforementioned facts and circumstances and that there is a dispute which is of civil nature which can be best resolved by the competent Court and that the petitioner has not taken any money, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Complaint Case No. 889(C) of 2007, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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