

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32267 of 2017

Arising Out of PS.Case No. -1678 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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Haridwar Upadhyay son of late Bindeshwari Upadhyay resident of Mohalla
R.M.S. Colony Police Station Kankarbagh District Patna.

.... Petitioner/s

Versus

State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Shekhar, Advocate

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-07-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner is apprehending his arrest in connection
with Complaint Case No. 1678C of 2015 registered for the offence
punishable under Section 420 of the Indian Penal Code.

Counsel for the petitioner submits that from perusal
of the complaint it would be evident that the petitioner is said to
have executed the sale deed in favour of the complainant on
21.06.2010. He further submits that another co-accused Aftab
Ahmad had assured that they would undertake the work of earth
filling and construction of boundary wall and even though the
earth filling work was completed it is alleged in the complaint
that the boundary wall was not constructed. Apart from the fact
that the allegations are highly improbable, it is submitted by the



counsel for the petitioner that the allegations are civil in nature and that he has not enclosed any proof of payment of amount of Rs. 3 lakh to the petitioner. The said co-accused Aftab Ahmad has already been granted anticipatory bail vide order dated 09.12.2015 passed in Cr. Misc. No. 55696 of 2015.

In the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. Let the above named petitioner, in the event of his arrest or surrender within four weeks from today, be released on bail on his furnishing bonds of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub-Judge XI-cum-Additional Chief Judicial Magistrate, Patna in Complaint Case No. 1678(c) of 2015 subject to all conditions as laid down in Section 438 (2) of Criminal Procedure Code.

(Madhuresh Prasad, J)

Prakash/-

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