

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54156 of 2017

Arising Out of PS.Case No. -470 Year- 2012 Thana -BEGUSARAI COMPLAINT CASE District-
BEGUSARAI

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Awadhesh Kumar @ Awadhesh Sah, Son of Sri Radha Krishna Sah,
Resident of Village Parihara, P.S. Bakhari, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sri. Mithilesh Pandit, Son of Sri Bisundeo Pandit, Resident of Village
Parihara, P.S. Bakhari, District- Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate.
Mr. Nilesh Kumar, Advocate
Mr. Pravin Kumar, Advocate
For the State : Mr. Anil Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 22-11-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Complaint**
Case No. 470(C) of 2012 instituted for the offence under Sections
417 and 466 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that
this matter is purely civil dispute. The Ex-landlord settled 1 bigha
10 ½ Dhurs land to the ancestor of the petitioner from the said plot
whereas 14 ½ dhurs was settled in favour of ancestors of the
present complainant. At the time of vesting on the basis of return
submitted by the Ex-landlord, the aforesaid land was shown in
possession of the ancestor of the petitioner and accordingly the



Revenue Record of Rights was created and on 21.1.1953 first rent receipt was issued by the State Government and since then regularly the State Government issued rent receipt in favour of the complainant. It has further been submitted that both the land was amalgamated and one common Khata was created. Thereafter, dispute arose by the complainant for which the petitioner also filed an Appeal before the DCLR, Bakhari, being Jamabandi Correction Appeal No. 4 of 2011-12 and the Deputy Collector, Land Reform gave direction to Anchal Adhikari to hold enquiry who submitted report and finally the Appeal was dropped on account of Title Suit No. 382 of 2010 pending between the parties. The order of DCLR has been annexed as Annexure-5. Therefore, it appears that it is a matter of purely civil dispute between the parties.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Complaint Case No. 470 (C) of 2012**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Ramchandra Prasad, learned **Judicial Magistrate, 1st Class, Begusarai**, subject to the



conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

S.Ali/-

(Sanjay Priya, J)

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