

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39373 of 2017

Arising Out of PS.Case No. -549 Year- 2017 Thana -BHOJPUR COMPLAINT CASE District-
BHOJPUR

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Dilip Singh @ Dalip Singh son of late Kamendra Singh, resident of village
–Songhatta, PS-Koilwar, District-Bhojpur, Bihar.

.... Petitioner/s

Versus

The State of Bihar & Anr.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra, Adv.

For the Opposite Party/s : Smt. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 19-08-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends arrest in connection with
Complaint Case No. 549 (C)/2017 Tr. No. 1177 of 2017 registered
for the offence(s) punishable under section(s) 406, 420, 323, 387
and 120(B) of the Indian Penal Code.

The complainant has alleged that this petitioner and
other co-accused were working as property dealer and they entered
into an agreement for sale of plot. They duped the complainant
and took handsome amount as earnest money for getting some sale
deeds executed with respect to certain land for the extension of
company of complainant. The complainant lodged several
criminal cases against accused persons. The complainant further
filed complaint case, vide T.R. No. 1209 of 2015 against the



petitioner. The petitioner and other co-accused were annoyed on account of complaint filed by the complainant and so, they on 17.4.2017 intercepted the complainant and his son and obtained their signatures on plain paper on the point of pistol and dragged and assaulted the complainant.

The learned counsel for the petitioner submits that the dispute between the parties is purely a civil dispute, which arose in connection with an agreement for executing sale deed, for which, the complainant has filed several cases and the present complaint case has been filed with false and frivolous allegation only to harass them. The allegation of cheating, committing breach of trust and extorting money is vague and no offence, as alleged, is made out and so, the petitioner deserves anticipatory bail.

Learned Additional Public Prosecutor, on the other hand, opposed the submission.

On perusal of the complaint petition, I find that the complainant has filed complaint cases against the petitioner and other co-accused which are presently pending in different Courts. In the present complaint case, no specific allegation has been alleged as regards cheating, committing breach of trust and extorting money. The dispute between the parties relates to transfer of land which appears to be civil in nature.



Considering the nature of allegation, facts and circumstances, as stated above, this application for anticipatory bail is allowed.

Let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Ara in connection with Complaint Case No. 549 (C)/2017 Tr. No. 1177 of 2017, subject to the condition as laid down under Section 438 (2) of the Criminal Procedure Code.

(Sanjay Kumar, J)

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