

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53242 of 2017

Arising Out of PS.Case No. -15 Year- 2017 Thana -BETTIAH CITY District-
WESTCHAMPARAN(BETTIAH)

=====

Hariom Prasad @ Hariom Shahi son of Rajnandan Prasad @ Ranandan Shahi, resident of village-Mohachhi Nain, Police Station-Gopalpur, Anchal-Chanpatia, District-West Champaran, at present resident of village-Desua, P.O. Bhagwanpur Desua, Police Station-Ujiyarpur, District-Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Dr. Vijay Nandan Shahi son of late Sharda Prasad Shahi, resident of village-Mohachhi Nain, Police Station-Gopalpur, District-West Champaran.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Sri Ramchandra Sahani

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 09-11-2017 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends arrest in connection with Bettiah Town P.S. Case No. 15 of 2017 instituted for the offences punishable under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code.

It has been submitted that the petitioner and the informant are agnates. The informant is the son of Sharda Prasad Shahi from the second wife whereas the father of this petitioner is the son of the said Sharda Prasad Shahi from the first wife. The allegation as per F.I.R. is that this petitioner sold the land



belonging to the share of the informant. It has further been submitted that the informant had filed a Partition Suit No. 69 of 2007 before the court of Sub Judge, Bettiah, West Champaran. The said suit was dismissed for non prosecution for which the informant has not filed any restoration petition. After dismissal of the said partition suit, the informant has filed the present complaint case with false and frivolous allegation. The petitioner executed the sale deed in favour of several persons in the capacity of the owner of the said land. The purchasers from this petitioner have been allowed anticipatory bail by one of the coordinate Bench of this Court in Criminal Miscellaneous No. 25252 of 2017. The dispute between the parties is purely a civil dispute and no offence under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code is made out against the petitioner.

The learned A.P.P. for the State, on the other hand, opposed the submission.

Considering the nature of allegation, facts and circumstances of the case, the anticipatory bail prayer is allowed. The petitioner, above named, in the event of arrest / surrender within six weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of



the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Bettiah Town P.S. Case No. 15 of 2017, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sanjay Kumar, J)

ajay gupta/-

U		T	
---	--	---	--

