

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21752 of 2018

Arising Out of PS.Case No. -412 Year- 2017 Thana -BAHADURPUR District- DARBHANGA

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Pramod Kumar Son of late Nasiblal Yadav Resident of Village - New Colony Khajasarai, P.S. Laheriasarai, District Darbhanga.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Smt. Rita Verma

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 26-04-2018

Heard.

The petitioner apprehends arrest in connection with Bahadurpur P.S.Case No.412 of 2017 registered for an offence under Sections 420 and other Sections of the IPC.

The complainant has alleged that he purchased the land measuring 1 katha 10 dhurs of plot no.34 corresponding to CS plot no.109 for a consideration of Rs.5,90,000/- from Archana Kumari. This petitioner being attornee executed the document in favour of the complainant. The complainant has further alleged that after six years he went over his land for erecting boundary wall where he found some people in possession of the said land. The petitioner and other co-accused has thus cheated him and committed breach of trust.



Learned counsel for the petitioner submits that the said land is Raiyati land which stands recorded in the name of Tripti Narayan Jha who executed a sale deed on 09.02.2008 in favour of Archana Kumari. The said Archana Kumari executed a deed of power of attorney in favour of the petitioner and on the strength of said power of attorney, he executed sale deed in favour of complainant and so no criminal offence is made out against the petitioner. The dispute is purely a civil dispute. The petitioner has no criminal antecedent and so he deserves anticipatory bail.

The learned APP opposed the submissions.

Considering the nature of dispute, facts and circumstances, prayer for anticipatory bail is allowed. Let the above named petitioner in the event of his arrest or surrender before the court below within six weeks from today 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 SDJM, Darbhanga in connection with Bahadurpur P.S.Case No.412 of 2017 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.



(iii) The petitioner shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

B.Kr./-

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