

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40771 of 2018

Arising Out of PS.Case No. -1141 Year- 2017 Thana -GAYA COMPLAINT CASE District- GAYA

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Sayed Md. Khaliq Rasul @ Sayed Khaliq Rasul, S/o Sayed Md. Sadique Rasul @ Sayed Sadique Rasul, R/o Mohalla- Rikabganj, P.O. & P.S.- Tekari, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ramashray Singh, S/o Late Ramswaroop Singh, R/o Vill.- Bajitpur, Kala, P.S.- Tekari, District- Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha, Advocate.
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 13-07-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Complaint Case No. 1141 of 2017** instituted for the offence under Section 420 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that complainant has admitted in complaint petition that sale deed has been executed on 30.01.2014. It is alleged that after execution of sale deed complainant applied for mutation, but the land was not mutated. It is further alleged that when complainant made request with the petitioner to get mutation of the land done then he did not take any step.

As such, from the nature of allegation in the



complaint petition, it appears that dispute is purely civil in nature for which, civil remedy is available to the complainant.

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. 1141 of 2017**, 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 learned **Chief Judicial Magistrate, Gaya**, 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 his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond 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.

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(Sanjay Priya, J)

