

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63732 of 2017

Arising Out of PS.Case No. -368 Year- 2016 Thana -AURANGABAD COMPLAINT CASE
District- AURANGABAD

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Ram Saran Prasad, son of late Gopal Prasad, resident of Karmi Tola Tiwari
Bigha, PO-rafiganj, P.S.-Rafiganj, District-Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Dhananjay Paswan, son of late Kishori Lal Paswan, resident of village-
Achuki, P.O.-Latta, P.S.-Pouthu (Rafiganj), District-Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhirendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Sakir Ahmad, APP

Mr. Shailesh Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7/ 12-04-2018

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Opposite Party No.2.

Petitioner apprehends his arrest in **Complaint Case**
No.368 of 2016/Tr. No.760 of 2017 instituted for the offence
under Section(s) 420, 467, 468/34 Indian Penal Code and Section
3(x), 4 of the Scheduled Castes & Scheduled Tribes (Prevention
of Atrocities) Act.

It is alleged in the Complaint Petition that the
Complainant gave rupees five lac forty thousand to the petitioner
for sale of land. The petitioner executed sale deed on 05.09.2012
in favour of the Complainant. It is alleged that Complainant went
for possession then one Chamari Sao raised objection and then



petitioner got suspicion over the title of the Complainant. The Complainant later on learnt that Partition Suit No.110 of 2006 was filed by the petitioner, which has been dismissed.

Counsel for the petitioner submits that sale deed has already been executed in the year 2012 and the instant complaint has been filed in year 2016. Civil remedy is available to the Complainant.

Counsel for the Opposite Party No.2 submits that it is mentioned in the sale deed that in the event there is dispute of title, then Complainant will be free to take appropriate action against him.

Since civil remedy is available to the Complainant, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Complaint Case No.368 of 2016/Tr. No.760 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 the **Additional Chief Judicial Magistrate-II, Aurangabad**, 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.

(Sanjay Priya, J)

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