

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 57989 of 2018

Arising Out of Complaint Case No.-176 Year-2018 Thana- JEHANABAD COMPLAINT
CASE District- Jehanabad

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Ashok Paswan @ T. T. Son of Late Parmeshwar Paswan, resident of Village -
Daulatpur, P.S. - Jehanabad, District - Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ramjee Choudhary, Son of Late Dukhan Choudhary, Resident of Naya Tola,
P.S. Jehanabad, District - Jehanabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Anita Kumari Singh, Advocate
For the Opposite Party/s	:	Mr. Sunil Kumar and Mr. Navin Sharma, Advocates
For the State	:	Mr. Jharkhandi Upadhyay, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 12-12-2018

Heard learned counsel for the petitioner; learned A.P.P.
for the State and learned counsel for the complainant (Opposite
Party No. 2), who has *suo motu* appeared.

2. The petitioner apprehends arrest in Complaint Case
No. 176 of 2018 instituted under Sections 420/467/468/471/
120B/323 and 34 of the Indian Penal Code.

3. The allegation against the petitioner is that he had
fraudulently sold land through registered sale deed, which had
already been sold by his ancestors in the year 1976 itself.



4. Learned counsel for the petitioner submitted that the matter is purely civil in nature and, thus, the criminal case is an abuse of the process of the Court. It was further submitted that the Opposite Party No. 2 had filed title suit, which was also withdrawn by him.

5. Learned A.P.P. and learned counsel for the informant submitted that the petition is fit to be dismissed on the sole ground that the petitioner has not disclosed his full antecedent inasmuch as, besides the three cases, which have been mentioned in paragraph no. 3, the petitioner is also accused in Jehanabad P.S. Case No. 62 of 2015 under Sections 341/342/354B/363/511/504 and 34 of the Indian Penal Code. It was further submitted that the petitioner is a habitual offender, as the land which was sold by his ancestors is being sold by him to various persons who keep creating nuisance and interfere with the peaceful possession of the Opposite Party No. 2 (Complainant). Learned counsel submitted that the matter is not civil for the reason that the dispute is not with regard to any money or non performance of any agreement but clearly with regard to the fraud committed by the petitioner of selling lands which already stand sold by his ancestors.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

7. The application, accordingly, stands dismissed.

(Ahsanuddin Amanullah, J.)

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