

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21774 of 2018

Arising Out of P.S.Case No. -1571 Year- 2015 Thana -GAYA COMPLAINT CASE District- GAYA
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Mukesh Kumar son of Sri Sharda Prasad resident of Village - Mastipur,
P.S. Bodh Gaya, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sudama Kumar son of Mangalchand resident of art and P.S. Bodh Gaya,
District Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Kumar

For the Opposite Party/s : Mr. Sri Arun Kumar Singh -5

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 26-04-2018 Heard.

The petitioner apprehends arrest in connection with
Complaint Case No.1571 of 2015 registered for an offence under
Sections 467, 468, 471 and 420 of the IPC.

The complainant has alleged that he had purchased land
from this petitioner and when he went to circle office for mutation,
his prayer was refused. The complainant had given Rs.15 Lacs for
purchasing another piece of land but on account of his fraudulent
act of the petitioner, he decided not to purchase land and asked
him to return money. The petitioner refused to return whereafter
the complainant filed the present case.

It has been submitted that from the allegation no offence
under Section 420 and others Sections of the IPC is made out. The
complainant has already filed a Title Suit No.47 of 2018 before



the Court of Principle Civil Judge, Ist, Gaya against the petitioner. The dispute between the parties is purely a civil dispute and so the petitioner deserves anticipatory bail.

The learned APP opposed the submissions.

Considering the nature of dispute facts and circumstances of the case, 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 ACJM-VII, Gaya in connection with Complaint Case No.1571 of 2015/156 of 2016, 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)

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